



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

ROGELIO LOGROSA,
Petitioner,

G.R. No. 217611

Present:

- versus -

CARPIO, J., *Chairperson,*
PERLAS-BERNABE,
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, JJ.

**SPOUSES CLEOFE AND CESAR
AZARES, SPOUSES ABUNDIO, JR.
AND ANTONIETA TORRES,
SPOUSES NELSON SALA AND
ARLENE ANG, AND SPOUSES
BONIFACIO, JR., AND
WELHELMINA BARUIZ,**
Respondents.

Promulgated:

27 MAR 2019

[Handwritten Signature]

X-----X

DECISION

CAGUIOA, J.:

Before the Court is a Petition for Review on *Certiorari*¹ (Petition) under Rule 45 of the Rules of Court filed by petitioner Rogelio Logrosa (petitioner Logrosa) against respondents Spouses Cleofe Azares (Cleofe) and Cesar Azares (Cesar) (collectively, respondents Sps. Azares), Spouses Abundio Torres, Jr. (Abundio) and Antonieta Dumagan Torres (Antonieta) (collectively, respondents Sps. Torres), Spouses Nelson Sala (Nelson) and Arlene Ang (Arlene) (collectively, respondents Sps. Sala), and Spouses Bonifacio Baruiz, Jr. (Bonifacio) and Welhelmina Baruiz (Welhelmina) (collectively, respondents Sps. Baruiz), assailing the Decision² dated July 30, 2014 (assailed Decision) and Resolution³ dated February 26, 2015 (assailed Resolution) promulgated by the Court of Appeals - Cagayan de Oro City (CA), Special Twenty-First Division and Former Special Twenty-First Division, respectively, in CA-G.R. CV No. 02878-MIN.

¹ *Rollo*, pp. 8-42.

² *Id.* at 44-50. Penned by Associate Justice Oscar V. Badelles, with Associate Justices Romulo V. Borja and Pablito A. Perez concurring.

³ *Id.* at 60-61.

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The Facts and Antecedent Proceedings

As narrated by the CA in its assailed Decision, and as culled from the records of the case, the essential facts and antecedent proceedings of the instant case are as follows:

The facts, as summarized by the [Regional Trial Court of Tagum City, Davao del Norte, Branch 30 (RTC)], are as follows:

In his verified complaint [for partition filed before the RTC, docketed as Civil Case No. 4026, petitioner Logrosa] alleged that he, together with the [respondents] are co-owners of eight (8) parcels of lands [(subject properties)], all situated in [the] Municipality of Tagum (now Tagum City), Davao del Norte, and more particularly described under the following Transfer Certificates of Titles (TCT), to wit: TCT No. T-52508,⁴ TCT No. T-52509,⁵ TCT No. T-52510,⁶ TCT No. T-52511,⁷ TCT No. T-52512,⁸ TCT No. T-52513,⁹ TCT No. T-52514,¹⁰ and TCT No. T-52515.¹¹ [The aforementioned TCTs all indicate that petitioner Logrosa, together with the respondents, are co-owners of the subject properties.]

[Petitioner Logrosa alleged that in 1987, the original owner of the subject properties, one Benjamin A. Gonzales (Gonzales), sold the subject properties collectively to petitioner Logrosa and the other respondents. The records show that a notarized Deed of Absolute Sale¹² dated April 14, 1987 was executed by the parties, bearing the signatures of Gonzales, petitioner Logrosa, respondents Cleofe, Nelson, Bonifacio, and Abundio.]¹³

[Petitioner Logrosa likewise] claimed that the aforementioned titles were issued to the parties herein on May 19, 1987, hence the co-ownership over the aforementioned properties had already existed for more than ten (10) years, without the parties having entered into [any] subsequent agreement to keep the above-said properties undivided. He anchored his complaint on Article 494 of the New Civil Code of the Philippines which provides:

“No co-owner shall be obliged to remain in the co-ownership. Each co-owner may demand a[t] any time the partition of the thing

⁴ Id. at 73.

⁵ Id. at 74.

⁶ Id. at 75.

⁷ Id. at 76.

⁸ Id. at 77.

⁹ Id. at 78.

¹⁰ Id. at 79.

¹¹ Id. at 80.

¹² Id. at 89-93.

¹³ Id. at 9-10.



owned in common, insofar as his share is concerned. [x x x]"

Summoned to plead, only [respondents Sps. Azares] filed their Answer to the complaint, and opposed [petitioner Logrosa's] prayer for partition.

[Respondents Sps. Torres], as well as [respondent Welhelmina], respectively filed a manifestation and declared that they are not filing an answer to the complaint and that they interpose no objection to the partition of the properties subject of this case. On the other hand, [respondents Sps. Sala] did not file any answer.

Answering [respondents Sps. Azares] contended that while it may be true that [petitioner Logrosa's] name appeared in the titles of the properties aforementioned, however, they belied [petitioner Logrosa's] claim that he is a co-owner of the same, as he never contributed as to its acquisition and never contributed for their maintenance, much less paid the taxes due thereon.

Answering [respondents Sps. Azares] further alleged that sometime in 1985, [petitioner Logrosa], being their cousin, used to work for them as their trusted laborer together with the other [respondents] at their gold mining tunnel in Mt. Diwata, Diwalwal, Monkayo. [Petitioner Logrosa], being young and inadequately schooled, was sent to school at the expense of the answering [respondents Sps. Azares]. They also allowed [petitioner Logrosa] to construct his house at Nova Tierra, Lanang, Davao City upon condition that [petitioner Logrosa] would pay and reimburse them for all his expenses thereto when [petitioner Logrosa's] finances allow.

Sometime in 1986, answering [respondents Sps. Azares] purchased all the properties subject of this case to provide one place for all the parties herein to live near each other for easy access and mutual security. [Petitioner Logrosa] and the other [respondents] have not contributed to their acquisition. As time went by, [petitioner Logrosa] and the other [respondents] turned hostile against the answering [respondents Sps. Azares].

During trial, [petitioner Logrosa] testified in court to support his claim. He likewise presented to the witness stand [respondent Antonieta] to identify the document in connection with the acquisition of the aforementioned properties.

Answering [respondents Sps. Azares] presented only one (1) witness, in the person of [respondent] Cesar Azares who debunked the claims of [petitioner Logrosa], asserting that he did not make [petitioner Logrosa] and the other [respondents] as co-owners of the properties subject of this

case. [Respondent Cesar] further claimed that [petitioner Logrosa] as well as the other [respondents] had no capacity to acquire the said properties way back to the time the properties were purchased as they were only his employees in his mining business in Mt. Diwata, Diwalwal, Monkayo.

After trial, the RTC dismissed the complaint for lack of merit [in its Decision¹⁴ dated February 27, 2012.]

Hence, [petitioner Logrosa appealed the RTC's Decision before the CA, alleging, in the main, that the RTC erred in holding that there is no co-ownership that exists between petitioner Logrosa and respondents Sps. Azares.]¹⁵

The Ruling of the CA

In its assailed Decision, the CA denied petitioner Logrosa's appeal. The dispositive portion of the assailed Decision of the CA reads:

WHEREFORE, premises considered, the instant appeal is **DENIED**. The Decision dated February 27, 2012 of the Regional Trial Court, 11th Judicial Region, Branch 30, Tagum City, Davao del Norte, in Civil Case No. 4026, is **AFFIRMED**.

SO ORDERED.¹⁶

In the assailed Decision, the CA held that "after a careful scrutiny of the records, the [CA] finds that the evidence adduced by [petitioner Logrosa] were insufficient to warrant a positive finding of co-ownership."¹⁷

Petitioner Logrosa filed a Motion for Reconsideration¹⁸ dated August 22, 2014, which was denied by the CA in its assailed Resolution dated February 26, 2015.

Hence, the instant Petition.

Respondents Sps. Azares filed their Comment¹⁹ dated July 17, 2017, to which petitioner Logrosa responded with a Reply²⁰ dated November 29, 2017.

Issue

The central question to be resolved by the Court is whether the CA was correct in upholding the RTC's Decision dated February 27, 2012, which dismissed petitioner Logrosa's complaint for partition because of its finding that the latter is not a co-owner and is a mere trustee of the subject properties.

¹⁴ Id. at 62-68. Penned by Presiding Judge Rowena Apao-Adlawan.

¹⁵ Id. at 45-46.

¹⁶ Id. at 50.

¹⁷ Id. at 47-48.

¹⁸ Id. at 51-58.

¹⁹ Id. at 187-189.

²⁰ Id. at 194-197.

The Court's Ruling

The instant Petition is meritorious.

After a careful review of the records of the instant case, the Court finds that the evidence on record sufficiently substantiates petitioner Logrosa's claim that he is a co-owner of the subject properties.

The Court notes that petitioner Logrosa does not rely merely on his own testimony to prove that he is a co-owner of the subject properties. No one disputes the fact that there are **eight certificates of title**, *i.e.*, TCT No. T-52508,²¹ TCT No. T-52509,²² TCT No. T-52510,²³ TCT No. T-52511,²⁴ TCT No. T-52512,²⁵ TCT No. T-52513,²⁶ TCT No. T-52514,²⁷ and TCT No. T-52515,²⁸ **all of which clearly and unequivocally identify petitioner Logrosa as one of the co-owners of the subject properties.**

It is a fundamental principle in land registration that **the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein.**²⁹ It becomes the **best proof of ownership of a parcel of land.** Such principle of indefeasibility has long been well-settled in this jurisdiction and it is only when the acquisition of the title is attended with fraud or bad faith that the doctrine finds no application.³⁰ In the instant case, there is no accusation whatsoever that petitioner Logrosa was included as co-owner in the TCTs through means of fraud or bad faith.

Aside from the foregoing, it is also not disputed by any party that a **duly notarized Deed of Absolute Sale dated April 14, 1987** was executed by all the parties, wherein it clearly states without ambiguity that one of the vendees of the subject properties is petitioner Logrosa. It must be stressed that respondents Sps. Azares do not deny whatsoever that petitioner Logrosa is a co-vendee under the Deed of Absolute Sale. In fact, respondent Cleofe was even a co-signatory of the said Deed of Absolute Sale, evidencing her assent and consent to petitioner Logrosa's status as a co-vendee of the subject properties.

The Court has previously held that a document evidencing a sale transaction, such as a deed of sale, which is duly notarized is considered a public document and therefore enjoys the presumption of validity as to its authenticity and due execution.³¹ Section 23, Rule 132 of the Rules of Court

²¹ *Id.* at 73.

²² *Id.* at 74.

²³ *Id.* at 75.

²⁴ *Id.* at 76.

²⁵ *Id.* at 77.

²⁶ *Id.* at 78.

²⁷ *Id.* at 79.

²⁸ *Id.* at 80.

²⁹ *Heirs of Brusas v. Court of Appeals*, 372 Phil. 47, 54 (1999).

³⁰ *Federated Realty Corp. v. Court of Appeals*, 514 Phil. 93, 104 (2005).

³¹ *Heirs of Santiago v. Heirs of Santiago*, 452 Phil. 238, 250 (2003).



likewise state that public documents are *prima facie* evidence of the fact which gave rise to their execution.

Moreover, as held in *Heirs of Santiago v. Heirs of Santiago*,³² one's assertion of ownership is further strengthened and buttressed by the fact of possession, *i.e.*, by building and occupying a house on the subject lot, coupled with the lack of opposition of such possession on the part of the other parties.³³ In the instant case, it is not disputed that petitioner Logrosa possesses a portion of the subject property with no opposition by the other parties, aside from respondents Sps. Azares, who disclaimed petitioner Logrosa's status as co-owner **only after more than two decades since the execution of the Deed of Absolute Sale, and only as a mere reaction to the Complaint for Partition filed by petitioner Logrosa.**

Hence, with the strong legal presumption created by the eight certificates of title and duly notarized Deed of Absolute Sale that petitioner Logrosa is a co-buyer and co-owner of the subject properties, the burden to prove otherwise was shifted to respondents Sps. Azares.

From the evidence on record, the Court finds that respondents Sps. Azares have not successfully hurdled this burden.

To controvert the strong legal presumption in favor of petitioner Logrosa's co-ownership over the subject properties, respondents Sps. Azares can only muster the sole testimony of respondent Cesar. A solitary, self-serving testimony cannot successfully overturn petitioner Logrosa's *prima facie* status as co-owner brought about by the execution of a notarized Deed of Absolute Sale and the issuance of the certificates of title.

It is the main contention of respondents Sps. Azares that despite the inclusion in the documents of title of petitioner Logrosa and the other parties, *i.e.*, respondents Sps. Torres, Sala, and Baruiz, the latter are only co-owners on paper and that respondents Sps. Azares are the sole buyers of the subject properties. According to respondents Sps. Azares, the sole reason why they included the other parties in the documents of title is "to provide one place for all the parties herein to live near each other for easy access and mutual security."³⁴

First and foremost, respondent Cesar's testimony is self-serving. The self-serving testimony of a party to an instrument cannot be given more weight and reliability than the contents of such instrument, especially if such instrument enjoys presumptive weight.³⁵

Further, the Court finds respondents Sps. Azares' theory perplexing and contrary to ordinary human experience. Assuming *arguendo* that respondents

³² 452 Phil. 238 (2003).

³³ *See id.* at 250.

³⁴ *Rollo*, p. 66.

³⁵ *Development Bank of the Phils. v. National Merchandising Corp.*, 148-B Phil. 310, 332 (1971).

Sps. Azares are indeed the true sole owners of the subject properties, there was absolutely no need for them to include the other parties in the documents of title if only to allow the latter to stay within the premises of the subject properties.

In other words, if respondents Sps. Azares' mere motivation was to provide one place for all of the parties to live near each other, respondents Sps. Azares could have easily achieved such objective without including the parties in the sale transaction. The inclusion of persons in a deed of sale and a certificate of title is by no means a prerequisite to allow such persons to occupy such property.

Hence, no one in his right mind would include non-buyers or non-owners in a notarized deed of absolute sale and in indefeasible certificates of title if he truly believes that he is the sole owner of the property. Bearing in mind the strong presumption created by public documents such as a notarized instrument and certificates of title, if respondents Sps. Azares really believed that they are the sole owners of the subject properties, one would expect that they would, at the very least, execute another document evidencing their true agreement as a precautionary measure. But no such precautionary measure was employed by respondents Sps. Azares to protect their supposed right as sole owners of the subject properties.

Likewise striking is the nonchalant and unassertive attitude adopted by respondents Sps. Azares in claiming sole ownership of the subject properties. To reiterate, it took respondents Sps. Azares more than two decades from the execution of the Deed of Absolute Sale and issuance of the certificates of title to assert their sole ownership. Not only that, such assertion was only a reaction to the Complaint for Partition filed by petitioner Logrosa.

Simply stated, the Court is convinced that the actuations and demeanor of respondents Sps. Azares are wholly inconsistent with their contention that they are the sole owners of the subject properties.

With respect to the tax declarations presented by respondents Sps. Azares, jurisprudence holds that tax declarations and tax receipts as evidence of ownership cannot prevail over a certificate of title which, to reiterate, is an incontrovertible proof of ownership.³⁶ Hence, in order for respondents Sps. Azares' tax declarations to successfully overturn the strong presumption of petitioner Logrosa's co-ownership, it was incumbent upon respondents Sps. Azares to fortify their position with other supporting evidence. As stated above, respondents Sps. Azares were not able to do so.

Moreover, the Court takes notice of petitioner Logrosa's un rebutted allegation that the tax payments made by respondents Sps. Azares were only made in 2010, which was already after the filing of the Complaint for Partition in 2009. In addition, it is likewise un rebutted by respondents Sps. Azares that

³⁶ *Heirs of Vencilao, Sr. v. Court of Appeals*, 351 Phil. 815, 823 (1998).

respondent Abundio, who testified under oath in open court, paid for the real property taxes covering the subject properties for at least two years. Respondent Abundio was able to submit before the RTC an official receipt of his tax payment; a tax declaration issued in the name of respondents Cleofe, Abundio, and Nelson, and petitioner Logrosa; and Owner's Duplicate Copies of TCT Nos. T-52510 and T-52508 registered in the name of the abovementioned parties.³⁷ This demolishes respondents Sps. Azares' assertion that they exclusively paid the real property taxes covering the subject properties and that their payment of real property taxes is sufficient proof of their sole ownership over the subject properties.

Lastly, both the RTC and CA put much emphasis on respondents Sps. Azares' contention that petitioner Logrosa has no capacity to purchase the subject properties on account of the latter's status as a lowly employee of respondents Sps. Azares.

The Court finds the lower courts' heavy reliance on petitioner Logrosa's supposed incapacity to purchase the subject properties misplaced; it made a mountain out of a molehill.

Assuming for argument's sake that petitioner Logrosa did not contribute in the payment of the purchase price of the subject properties, it does not necessarily mean that he could not become a co-owner of the subject properties who can compel partition.

A person may exercise the right to compel the partition of real estate if he/she sets forth in his/her complaint the nature and extent of his title and subsequently proves the same.³⁸ The law does not make a distinction as to how the co-owner derived his/her title, may it be through gratuity or through onerous consideration. In other words, a person who derived his title and was granted co-ownership rights through gratuity may compel partition.

Respondents Sps. Azares maintain that there was no gratuitous granting of title and co-ownership rights to petitioner Logrosa and that they only intended to designate petitioner Logrosa as a mere trustee of the subject properties. However, to reiterate, this self-serving testimony of respondents Sps. Azares based on their mere say-so cannot stand, *vis-à-vis* the strong legal presumption created by the certificates of title and the notarized Deed of Absolute Sale that petitioner Logrosa is a co-owner of the subject property.

As a rule, the burden of proving the existence of a trust is on the party asserting its existence, and such proof must be clear and satisfactorily show the existence of the trust and its elements. While implied trusts may be proved by oral evidence, the evidence must be trustworthy and received by the courts with extreme caution, and should not be made to rest on loose, equivocal or

³⁷ *Rollo*, pp. 30-32.

³⁸ RULES OF COURT, Rule 69, Sec. 1, in relation to CIVIL CODE, Arts. 484 and 488.



indefinite declarations. Trustworthy evidence is required because oral evidence can easily be fabricated.³⁹

To the contrary, as pointed out by petitioner Logrosa, the testimony of respondent Cesar actually lends credence to petitioner Logrosa's claim that respondent Cesar really intended to designate the former, together with the other respondents, as co-owners of the subject properties.

During the trial, when he was asked why he did not require petitioner Logrosa and the other parties to execute a document acknowledging his status as sole owner of the subject properties, respondent Cesar explained that there was no need to do so because "we previously agreed x x x with each other that whatever they would decide to till the land in that particular area that would be given to them. x x x I have my intention to give that house constructed to them then, I will give that particular land to them."⁴⁰

With this clear admission against interest on the part of respondents Sps. Azares that there was indeed an intention on their part to make petitioner Logrosa and the other respondents as co-owners of the subject properties, the Court cannot subscribe to the CA's view that there is insufficiency of evidence confirming petitioner Logrosa's status as co-owner of the subject properties.

As a parting note, while it is true that the Court has previously held that the mere issuance of the certificate of title in the name of any person does not foreclose the possibility that the registrant may only be a trustee,⁴¹ to controvert the legal presumption brought about by the execution and issuance of public documents pointing to the existence of co-ownership, the opposing party must carry and satisfy the burden of proving with clear, convincing and persuasive evidence to repudiate the co-ownership. In this case, the Court finds that respondents Sps. Azares failed to fulfill such burden.

WHEREFORE, premised considered, the instant Petition is hereby **GRANTED**. The Decision dated July 30, 2014 and Resolution dated February 26, 2015 promulgated by the Court of Appeals - Cagayan de Oro City, Special Twenty-First Division and Former Special Twenty-First Division, respectively, in CA-G.R. CV No. 02878-MIN are **REVERSED** and **SET ASIDE**.

Accordingly, the Decision dated February 27, 2012 promulgated by Regional Trial Court of Tagum City, Davao del Norte, Branch 30 in Civil Case No. 4026 is likewise **REVERSED and SET ASIDE**. The Regional Trial Court is **DIRECTED** to issue an Order under Rule 69 of the Rules of Court for the partition of the subject properties.

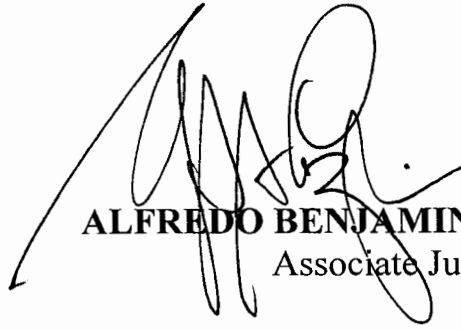
³⁹ *Oco v. Limbaring*, 516 Phil. 691, 703 (2006).

⁴⁰ *Rollo*, p. 27; underscoring supplied.

⁴¹ *Lacbayan v. Samoy, Jr.*, 661 Phil. 306, 317 (2011).

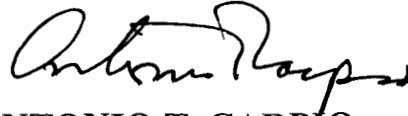


SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



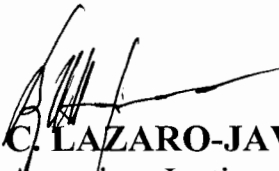
ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

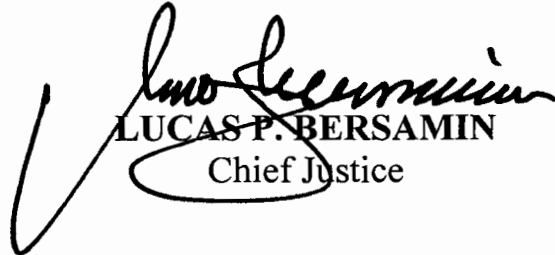
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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.


LUCAS P. BERSAMIN
Chief Justice

