REPUBLIC OF THE PHILIPPINES
SUPREME COURT
ManilaBY: YSA
TIME: 9:26 AM

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **04 December 2019** which reads as follows:

“G.R. No. 243065 (*Cristita Getigan v. Ildefonso Dutterte Rodis and Corazon Pernia-Rodis herein represented by Ernesto M. Pernia*). – This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² (Assailed Decision) dated March 26, 2018 and Resolution³ (Assailed Resolution) dated October 3, 2018 issued by the Court of Appeals (CA) in CA-G.R. SP No. 10707.

Factual Antecedents

Spouses Ildefonso Dutterte Rodis and Corazon Pernia-Rodis (respondents) claimed that in 1991, they acquired from Cristita Getigan (petitioner) a property with an area of 3,000 sq. m. which is designated in the Deed of Sale dated November 4, 1991 as Lot No. 8358-A (the subject property). The subject property was part of Lot No. 8358, which has an area of 4,566 sq. m. in Danao, Panglao, Bohol. Petitioner was then the declared owner of Lot No. 8358. After acquiring the subject property, respondents possessed the same and built a house thereon in 1992. On May 29, 2003, petitioner executed another Deed of Sale in favor of respondents over the subject property.⁴ It must be noted that the two Deeds of Sale were duly notarized.⁵ Subsequently, respondents paid the required taxes and a Certificate Authorizing Registration (CAR) was issued in their favor.⁶

Respondents claimed that the property described in their CAR was the property covered by Tax Declaration (TD) No. 95-0041791 which was the TD of Lot No. 8358-A in 1995. Nonetheless, they discovered that Lot No.

¹ *Rollo*, pp. 36-82.

² Penned by Associate Justice Edward B. Contreras and concurred in by then Associate Justice Edgardo L. Delos Santos and Associate Justice Louis P. Acosta; id. at 86-98.

³ Id. at 101-101-A.

⁴ Id. at 87.

⁵ Id. at 95.

⁶ Id. at 87.

8358-A was already designated as Lot No. 10670-C under TD No. 2008-33-0004-02279, still in the name of petitioner. The subject property was also registered in petitioner's name under Original Certificate of Title (OCT) No. 120631 issued on December 23, 2009. The subject property was already designated therein as Lot No. 16379, CAD-705-D, identical to Lot No. 10670-C, CSD-07-013240. The identity of the subject property was undisputed since the Municipal Assessor of Panglao, Bohol certified that Lot No. 8358-A, which was previously covered by TD No. 95-004-01791 situated in Danao, Panglao, Bohol, with an area of 3,000 sq. m., and declared in the name of petitioner, is the same lot now designated as Lot No. 10670-C under TD No. 2008-33-0004-02279.⁷

Respondents found out that petitioner filed a free patent application over the subject property even if she had already sold it to them. In her application, petitioner allegedly concealed the fact of sale and did not mention to the land investigator that there was a house built by respondents on the subject property so as to preclude further investigation.⁸

Due to the numerous revisions of the lot number designation, it was difficult to identify that the subject property was the same property covered by OCT No. 120631 and respondents were prevented from asserting their rights against petitioner's free patent application before the Department of Environment and Natural Resources (DENR). Attempts at amicable settlement also failed.⁹

Thus, on September 20, 2010, respondents filed before the Municipal Circuit Trial Court (MCTC) a Complaint for Declaration of Nullity or Annulment of OCT No. 120631, Reconveyance, and Damages against petitioner, the Register of Deeds, the Province of Bohol, the Provincial Environment and Natural Resources, Tagbilaran City, and the Municipal Assessor of Panglao, Bohol.¹⁰

In her defense, petitioner denied executing the two deeds of sale over the subject property in favor of respondents. She also denied payment of the capital gains and other taxes. She insisted that she never knew or transacted with respondents or their authorized representative. She also did not know or see the lawyers who notarized the documents. She asserted that the subject property was given to her and her late husband, Soriano Getigan, by the latter's father.¹¹

⁷ Id.

⁸ Id. 87-88.

⁹ Id. at 88.

¹⁰ Id. at 87.

¹¹ Id. at 88.

Ruling of the MCTC

Initially, the MCTC dismissed the complaint on the ground that the deeds of sale were forged.¹² Nonetheless, in an Order dated June 24, 2015, the MCTC vacated its earlier decision and ruled in their favor upon the filing of a motion for reconsideration by respondents, thus:

WHEREFORE, in the light of the foregoing, the motion for reconsideration is GRANTED. The Decision rendered by this Court is hereby reconsidered and vacated, by preponderance of evidence. This Court hereby renders judgment and orders-

1. [Petitioner] to RECONVEY Lot No. 16379, Cad 705-D, identical to Lot No. 10670-C, Csd 07-013240 situated in Danao, Panglao, Bohol, to [respondents];
2. The public defendant Register of Deeds for the Province of Bohol and the Provincial Environment of Natural Resources Officer (PENRO), DENR, Tagbilaran City, to CANCEL the Katibayan ng Orihinal na Titulo Blg. 120631 covering Lot No. 16379, Cad 705-D, identical to Lot No. 10670-C, Csd 07-013240 situated in Danao, Panglao, Bohol;
3. No pronouncement as to costs and damages.

SO ORDERED.¹³

Ruling of the RTC

Petitioner appealed to the Regional Trial Court but it affirmed the foregoing MCTC Order in its Decision dated November 17, 2016, thus:

WHEREFORE, in view of all the foregoing, the decision of the 14th MCTC Daus-Panglao is hereby AFFIRMED IN TOTO.

SO ORDERED.¹⁴

Petitioner moved for reconsideration but the RTC denied the same in its Order dated February 20, 2017.¹⁵

Unfazed, petitioner elevated the case to the CA via a Petition for Review under Rule 42 of the Rules of Court.¹⁶

¹² Id. at 89.

¹³ Id. at 90.

¹⁴ Id. at 312.

¹⁵ Id. at 90.

¹⁶ Id. at 86.

Ruling of the CA

On March 26, 2018, the CA rendered the Assailed Decision affirming the RTC Decision. The appellate court adopted the findings of the lower courts. The dispositive portion of the Assailed Decision reads:

WHEREFORE, the Petition is DENIED. The Decision and Order dated November 17, 2016 and February 20, 2017, respectively, of the Regional Trial Court, Branch 48, Tagbilaran City, Bohol in Civil Case No. 8581, are AFFIRMED.

SO ORDERED.¹⁷

Petitioner filed a Motion for Reconsideration but the CA denied the same in the Assailed Resolution.

Hence, the present recourse.

The Issue

As summarized, the lone issue for the resolution of the Court is whether or not the two Deeds of Sale over the subject property executed by petitioner in favor of respondents are falsified as these allegedly contain forged signatures of petitioner, thus, null and void.

Ruling of the Court

This Court finds the instant petition unmeritorious.

Before resolving the main issue in this case, the Court finds it opportune to briefly address the issue on jurisdiction raised by petitioner. A reading of the allegations in the complaint filed by respondents reveal that the MCTC correctly exercised jurisdiction over the case.

As aptly noted by the CA, the action initiated by respondents in the MCTC, *i.e.*, Complaint for Declaration of Nullity or Annulment of OCT No. 120631, Reconveyance, and Damages, is essentially an action involving title to real property as it concerned the determination of who between petitioner and respondents is the lawful owner of the subject property. In an action involving title to real property, jurisdiction is determined by the assessed value of the real property as alleged in the complaint.¹⁸ Section 33 (3) of *Batas Pambansa Blg. 129*, as amended, provides that *Metropolitan Trial Courts, Municipal Trial Courts, and MCTC have exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed P20,000.00, outside Metro Manila.* Here, as

¹⁷ Id. at 98.

¹⁸ *Foronda-Crystal v. Son*, G.R. No. 221815, November 29, 2017, 847 SCRA 280, 293.

alleged in the complaint, the assessed value of the subject property is P18,185.91. Thus, the MCTC was clothed with the authority to hear and decide the case.

Dealing now with the merits of the case, it is a hornbook principle that the Court is not a trier of facts. As such, only questions of law should be raised in petitions filed under Rule 45 of the Rules of Court.¹⁹ Questions of fact will not then be entertained in this mode of appeal.²⁰ Factual findings of the trial court, when affirmed by the CA, are deemed binding and conclusive.²¹

Nonetheless, the Court has enumerated several exceptions to the foregoing rule, such as when: (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.²²

Here, petitioner fails to show that the case falls under any of the exceptions. Both the MCTC and RTC, as affirmed by the CA, upheld the validity of the two Deeds of Sale thereby adjudging respondents as the lawful owners of the subject property.

It bears emphasizing that the two Deeds of Sale were notarized. In our jurisdiction, a notarial document is given full faith and credence upon its face.²³ It is a *prima facie* evidence of the truth of the facts stated therein and there is a conclusive presumption of its existence and due execution.²⁴ To overcome the presumption of regularity, there must be evidence that is clear, convincing, and more than merely preponderant.²⁵

In the case at bar, petitioner failed to present clear and convincing evidence to overcome the presumptive authenticity and due execution of the two Deeds of Sale. The bare denial by petitioner of her signatures in the two

¹⁹ *Pascual v. Burgos*, 776, Phil. 167, 182 (2016).

²⁰ *Id.*

²¹ *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 537 (2015).

²² *Id.*

²³ *Heirs of Spouses Liwagon and Dimalagan v. Heirs of Spouses Liwagon*, 748 Phil. 675, 686 (2014).

²⁴ *Ocampo v. Land Bank of the Philippines*, 609 Phil. 337, 348 (2009).

²⁵ *Cavile v. Heirs of Cavile*, 448 Phil. 302, 315 (2003).

11/14

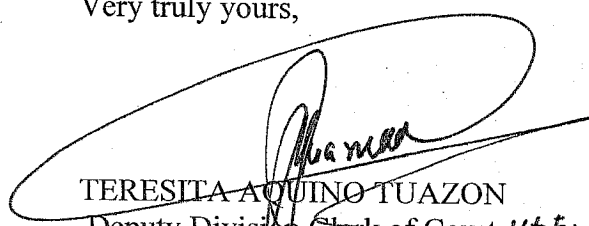
Deeds of Sale and her claim of forgery are insufficient to overthrow the presumption of regularity. To the Court, a mere disclaimer is insufficient.²⁶

Further, amidst her denial of her signatures, it is worth mentioning that petitioner consistently affirmed her authorship of the signatures during her cross-examination and redirect examination. While she presented a handwriting expert to testify on the alleged forged nature of the signatures, her admission that those signatures in the two Deeds of Sale were hers stands. As a judicial admission, which she failed to contradict by showing that it was made through palpable mistake or that she did not make the same, it did not require proof.²⁷

WHEREFORE, the petition is **DENIED**. The Decision dated March 26, 2018 and Resolution dated October 3, 2018 issued by the Court of Appeals in CA-G.R. SP No. 10707 are **AFFIRMED**.

SO ORDERED." (Bernabe, J., on official business; Zalameda, J., on official leave)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utch' 12/26*

27 DEC 2019

JALA BOISER YAP & YAP LAW OFFICES (reg)
Counsel for Petitioner
3rd Floor, Pamugas Building (in front of Tagbilaran
City Hall)
J. A. Clarin Street, Dampas District, Tagbilaran City,
Bohol 6300

ATTY. MENEDIO THADEUS BERNIDO (reg)
Counsel for Respondent
261-1 CPG North Avenue
6300 Tagbilaran City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 48
Tagbilaran City
(Civil Case No. 8581)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. SP No. 10707

Please notify the Court of any change in your address.
GR243065. 12/04/19B(119)URES

²⁶ *Pan Pacific Industrial Sales Co., Inc. v. Court of Appeals*, 517 Phil. 380, 390 (2006).
²⁷ RULES OF COURT, Rule 129, Section 4.