



Republic of the Philippines
 Supreme Court
 Manila

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 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAY 17 2019

THIRD DIVISION

**JOAQUINA ZAMBALES, ESTELITA
 ZAMBALES NARVASA, ENRICO
 ZAMBALES, CASTULO
 ZAMBALES, ADELINA
 ZAMBALES, and MIGUELA
 ZAMBALES CAYAO,**

G.R. No. 216878

Petitioners,

- versus -

**SALVACION VILLON ZAMBALES
 (SURVIVING WIFE OF DECEASED
 DOMINGO ZAMBALES), AS
 SUBSTITUTED BY HER
 HEIRS/CHILDREN, NAMELY:
 JOCELYN V. ZAMBALES,
 LILIBETH ZAMBALES-
 TERRANO, ARMSTRONG V.
 ZAMBALES, SUNDAY V.
 ZAMBALES, BLAS V. ZAMBALES,
 ISABEL V. ZAMBALES, ALAM
 ZAMBALES-JUNTERIAL and
 SAMUEL ZAMBALES,**

Present:

PERALTA, J., Chairperson,
 LEONEN,
 REYES, A., JR.,
 HERNANDO, and
 CARANDANG,* JJ.

Promulgated:

Respondents.

April 3, 2019

X-----X

DECISION

PERALTA, J.:

This is petition for review on *certiorari* under Rule 45 seeking to annul and set aside the Decision¹ dated September 30, 2013 of the Court of Appeals (CA) which denied petitioners' appeal under Rule 41, and the Resolution²

* Designated Additional Member per Special Order No. 2624 dated November 28, 2018.
¹ Penned by Associate Justice Stephen C. Cruz, with Associate Justices Magdangal M. De Leon and Myra V. Garcia-Fernandez concurring; *rollo*, pp. 42-51.
² *Id.* at 53-55.

dated December 12, 2014 of the CA which denied petitioners' motion for reconsideration in CA-G.R. CV No. 97079.

The instant case involves a document designated as Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale, which petitioners claim as the basis for the cancellation of Original Certificate of Title (*OCT*) No. G-132 under the name of Blas Zambales, and the consequent issuance of Transfer Certificate of Titles (*TCT*) Nos. 17729, 17731, 17735, 16387, 18351, 18352, 18353, 18354, 18355, and 18356, under the name of Domingo Zambales.

The facts, as found by the CA, are as follows:


Plaintiffs-appellants (now petitioners Joaquina Zambales, Estelita Zambales Narvasa, Enrico Zambales, *et al.*) are the surviving children of Enrique Zambales, the sole heir of Blas Zambales, who died intestate in 1942. Blas Zambales is the registered owner of a parcel of land with Original Certificate of Title No. G-132, of the Registry of Deeds of Puerto Princesa City. x x x.

On December 14, 1979, a document denominated as Extrajudicial Settlement with Waiver of Rights and Sale was executed by Joaquina Zambales, the surviving wife of Enrique Zambales, Estelita, Miguela, Domingo, Castulo, Enrico, and Adelina, all surnamed Zambales, wherein they (Joaquina, Miguela, Castulo, Enrico, Adelina and Estelita) waived, renounced, ceded, transferred and conveyed all their rights, interest and shares over their 1/7 undivided interest over the land covered by OCT No. G-132 in favor of Domingo Zambales, who, in turn, accepted the waiver and transfer made by his co-heirs and expressed his appreciation and gratitude to them in the same document. Subsequently, OCT No. G-132 was canceled and TCT No. 6892 was issued in the name of Domingo Zambales. Thereafter, it was subdivided resulting in the issuance of ten titles: TCT Nos. 17729, 17731, 17735, 16387, 18351, 18352, 18353, 18354, 18355, and 18356, all under the name of Domingo Zambales.

After more than two decades, plaintiffs-appellants filed the instant complaint to cancel the document denominated as "Extrajudicial Settlement with Waiver of Rights and Sale" dated December 14, 1979 and the subsequent titles derived from OCT No. G-132.

x x x x

On March 9, 2000, plaintiff-appellants filed a complaint for Cancellation of TCT No. 17729, 17731, 17735, 16887, 18351, 18352, 18353, 18354, 18355, and 18356 and Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale with Prayer for Preliminary Injunction, docketed as Civil Case No. 3434. In their complaint, plaintiffs-appellants alleged that they are the heirs of Enrique Zambales and the grandchildren of Blas Zambales, the original owner of a parcel of land covered by Original Certificate of Title No. G-132. On the other hand, defendant-appellee Salvacion Villon Zambales (now respondent, as substituted by her heirs, namely: Jocelyn V. Zambales, *et al.*) is the wife of Domingo Zambales.



On March 28, 2000, defendant-appellee filed a Motion to Dismiss stating that the complaint is barred by *res judicata* as the issue of the heirship of Domingo Zambales has been settled and that the questioned deed was categorically admitted in evidence in Civil Case No. 2869. On June 5, 2000, an Opposition to the Motion was filed by plaintiffs-appellants stating that the parcels of land enumerated in the said approved compromise agreement (in Civil Case No. 2869) are the properties of the late Enrique Zambales, specifically located at Brgy. Del Pilar, Roxas, Palawan, and that they have nothing to do with the property located at Puerto Princesa under Title No. G-132. However, in an Order date July 11, 2011, the court *a quo* denied the motion to dismiss. Thereafter, defendant-appellee filed an Answer with Counterclaim stating that the complaint was barred by prescription as the document sought to be nullified was executed 21 years ago, and that the validity of the same was expressly admitted in Civil Case No. 2869.

x x x x

On August 10, 2004, a Motion to Intervene as parties defendants with Answer-in-Intervention was filed by the intervenors-heirs of Domingo Zambales which was granted in an Order dated December 1, 2004. Thereafter, trial ensued and plaintiffs-appellants' witnesses were presented. **However, no formal offer of exhibits was presented in view of the Certification issued by the Registry of Deeds of Puerto Princesa City, to the effect that the Extrajudicial Settlement With Waiver of Rights executed by the heirs of the late Enrique Zambales involving a parcel of land with an area of 2.9670 hectares, covered by OCT No. G-132, in the name of Blas Zambales cannot be located from the existing and available records of the registry.**³

On October 19, 2010, Salvacion Zambales filed a Motion to Dismiss on Demurrer to Evidence,⁴ which the Regional Trial Court (*RTC*) of Palawan and Puerto Princesa City, Branch 47 granted in an Order⁵ dated March 23, 2011, the dispositive portion of which reads:

WHEREFORE, premises considered, the motion to dismiss is hereby GRANTED on the ground of insufficiency of evidence. Accordingly, this case is ordered DISMISSED.

x x x x

SO ORDERED.

The RTC held that while the petitioners submitted testimonial evidence to show that the subject extrajudicial settlement was allegedly forged, which would thus render the subsequent titles issued pursuant thereto void, herein petitioners did not offer the said document nor the titles sought to be

³ *Id.* at 45-46; 43-45. (Emphasis ours; citations omitted)

⁴ Records, pp. 261-263.

⁵ *Rollo*, pp. 195-197.

cancelled during trial.⁶ It noted that during the hearing held on June 2, 2010, the counsel for herein petitioners categorically manifested that they were not offering any exhibits.⁷

Petitioners filed their appeal with the CA, submitting the following assignment of errors in their brief:

I. THE TRIAL COURT ERRED WHEN IT STRICTLY APPLIED THE RULE ON OFFER OF EVIDENCE CONTRARY TO THE RULING OF THE HONORABLE SUPREME COURT IN THE CASE OF MATO VDA. DE OÑATE V. CA (G.R. NO. 116149, 23 NOVEMBER 1995)

II. THE TRIAL COURT ERRED WHEN IT APPLIED THE BEST EVIDENCE RULE IN THE CASE AT BAR.

III. THE TRIAL COURT ERRED IN DISMISSING THE CASE ON THE GROUND OF INSUFFICIENCY OF EVIDENCE.⁸

On September 30, 2013, the CA issued its assailed Decision affirming the trial court's dismissal of the case, denying petitioners' appeal for lack of merit.

In upholding the grant of the demurrer to evidence, the CA found that the evidence presented by the petitioners was insufficient to prove the essential averments in their complaint, underscoring the fact that the document itself sought to be annulled, the Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale, was not offered in evidence. The CA also lamented that the petitioners did not bother to attach the titles sought to be annulled that purportedly originated from OCT No. G-132.

Regarding the contention of the petitioners that the RTC should have considered as evidence the marked exhibits which were not formally offered, in accordance with the Court's ruling in the case of *Mato Vda. De Oñate v. CA*,⁹ the CA held that the said ruling was inapplicable in the case of petitioners. While the Court in the *Mato Vda. De Oñate* case relaxed the application of Section 34,¹⁰ Rule 132 of the Rules of Court as regards offer of evidence and allowed evidence not formally offered to be considered by the trial court, the same was subject to the presence of the following requirements: first, that the evidence must have been duly identified by testimony duly recorded; and second, that the same must have been incorporated in the records of the case.

⁶ *Id.* at 195.

⁷ *Id.*

⁸ *Id.* at 202.

⁹ 320 Phil. 344, 350 (1995).

¹⁰ Sec. 34. *Offer of evidence.* — The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.



In petitioners' case, the CA found that the questioned deed was not duly identified by witnesses, with one purported signatory thereto, Miguela Zambales-Cayao, even admitting that she did not remember having signed the said document, and with one of the supposed witnesses to the execution of the questioned deed testifying that she did not even know what document she was made to sign.

The appellate court likewise rejected the petitioners' contention that the specimen signatures of Enrico Zambales, Castulo Zambales, and Miguela Zambales marked as Exhibits "B," "B-1," "E," "E-1," and "F" should be admitted and considered by the trial court as these were incorporated in the records of the case. The CA stressed that documents which may have been identified and marked as exhibits during pre-trial or trial but which were not formally offered in evidence cannot in any manner be treated as evidence. Finding that petitioners have not submitted any overwhelming evidence before the trial court, the CA added that the counsel for petitioners clearly manifested that in lieu of the formal offer of exhibits, petitioners were submitting a certification from the Registry of Deeds of Puerto Princesa City.

Thus, the instant petition, raising the following issues:

I.

THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT THE CASE OF MATO VDA. DE ONATE VS. COURT OF APPEALS IS NOT APPLICABLE IN THE INSTANT CASE.

II.

THE HONORABLE COURT OF APPEALS ERRED WHEN IT UPHELD THE APPLICATION OF THE BEST EVIDENCE RULE IN THE PRESENT CASE.

III.

THE HONORABLE COURT OF APPEALS ERRED WHEN IT UPHELD THE VALIDITY OF A FALSIFIED DOCUMENT ON THE SOLE GROUND THAT IT WAS NOTARIZED.

IV.

THE HONORABLE COURT OF APPEALS ERRED WHEN IT UPHELD THE DISMISSAL OF THE INSTANT CASE ON THE GROUND OF INSSUFICIENCY OF EVIDENCE.¹¹

In a Resolution¹² dated September 4, 2017, this Court required the respondents to comment on the Petition to Review.

¹¹ *Rollo*, pp. 20-21.

¹² Per this Court's Resolution dated July 17, 2017, it was directed that respondent Salvacion Villon Zambales, who died on May 23, 2011, be substituted by her heirs/children, namely: Jocelyn V. Zambales, Lilibeth Zambales-Terrano, Armstrong V. Zambales, Sunday V. Zambales, Blas V. Zambales, Isabel V. Zambales, Alma Zambales-Junterial, and Samuel Zambales; *id.* at 183.



In their Comment,¹³ the respondents heirs of Salvacion Zambales submitted that the issues, as well as the argument that the petitioners raised in their Petition for Review before this Court, were mere repetitions of the arguments they presented before the RTC of Puerto Princesa City and the CA, and that the same have been considered and discussed exhaustively under the assailed decisions.

We deny the petition.

A petition for review on *certiorari* under Rule 45 pertains to questions of law and not to factual issues. A question of law which this Court may pass upon must not involve an examination of the probative value of the evidence presented by the litigants.¹⁴ Section 1, Rule 45 of the 1997 Rules of Civil Procedure is unequivocal:

SECTION 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.**¹⁵

In their third and fourth assigned errors, petitioners assail the factual findings of the CA. Petitioners submit, among others, that the appellate court erred when it upheld the validity of a falsified document on the sole ground that it was notarized,¹⁶ arguing that one of their witnesses was a “disinterested witness, who has no ill motive to testify falsely” and whose testimony, “if properly appreciated,” would alter the outcome of the case.¹⁷

Petitioners, likewise, maintain that even without the assistance of handwriting experts, it could be readily observed that the signatures appearing at the subject Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale, which was not offered in evidence, had the same strokes and were apparently signed by one and the same person.¹⁸

It bears emphasis that the factual findings of the appellate court generally are conclusive, and carry even more weight when said court affirms the findings of the trial court, absent any showing that the findings are totally devoid of support in the records, or that they are so glaringly erroneous as to

¹³ Rollo, pp. 190-193.

¹⁴ *Spouses Alcazar v. Arante*, 700 Phil. 614, 624 (2012).

¹⁵ Emphasis ours.

¹⁶ Rollo, p. 27.

¹⁷ *Id.* at 28.

¹⁸ *Id.* at 30.

constitute grave abuse of discretion.¹⁹ As a rule, the jurisdiction of this Court is limited to a review of errors of law allegedly committed by the appellate court. It is not bound to analyze and weigh all over again the evidence already considered in the proceedings below.²⁰

In several cases, however, it has been repeatedly held that the rule that factual findings of the appellate are binding on the Court are subject to the following exceptions: (1) when the findings are grounded entirely on speculations, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to that of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.²¹

None of these exceptions, however, obtains in the present case.

The issues and arguments raised by the petitioners are factual matters that were threshed out and decided upon by the trial court which were subsequently affirmed by the appellate court. The findings and conclusions of both the RTC and the CA in this case are all in accord: that the grant of a demurrer to evidence was proper when, upon the facts and the law, the plaintiff has shown no right to the relief sought. As correctly held by the CA, where the evidence of the plaintiff together with such inferences and conclusions as may reasonably be drawn from it does not warrant recovery from the defendant, a demurrer to evidence should be sustained.²²

In this case, the records show that apart from the fact that the Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale sought to be annulled and the titles sought to be cancelled were not offered in evidence,²³ the Extrajudicial Settlement itself alluded to in the testimonial evidence presented was not offered in order to allow the trial court to determine the veracity of the claims of the witnesses.²⁴ In *Oropesa v.*

¹⁹ *Navaja v. Hon. De Castro, et al.*, 761 Phil. 142, 156 (2015).

²⁰ *DST Movers Corporation v. People's General Insurance Corporation*, 778 Phil. 235, 246 (2016).

²¹ *Development Bank of the Philippines v. Traders Royal Bank, et al.*, 642 Phil. 547, 556-557 (2010); *Techno Development & Chemical Corp. v. Viking Metal Industries, Inc.*, 789 Phil. 10, 24 (2016).

²² *Rollo*, p. 47.

²³ *Id.* at 195.

²⁴ *Id.*

Oropesa,²⁵ where this Court likewise affirmed the dismissal of the case on demurrer to evidence based on petitioner's non-submission of the Formal Offer of Evidence, We held:

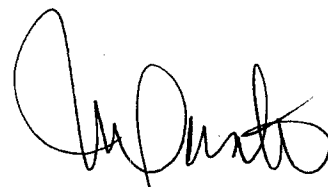
A demurrer to evidence is defined as "an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue." We have also held that a demurrer to evidence "authorizes a judgment on the merits of the case without the defendant having to submit evidence on his part, as he would ordinarily have to do, if plaintiff's evidence shows that he is not entitled to the relief sought."

In this case, the records show that apart from the fact that the Extrajudicial Settlement Among Heirs with Waiver of Rights and Sale sought to be annulled and the titles sought to be cancelled were not offered in evidence,²⁶ the Extrajudicial Settlement itself alluded to in the testimonial evidence presented was not offered in order to allow the trial court to determine the veracity of the claims of the witnesses.²⁷

All told, this Court finds no reversible error on the part of the CA in rendering the assailed September 30, 2013 Decision and in issuing the challenged December 12, 2014 Resolution.

WHEREFORE, the petition is hereby **DENIED** for lack of merit. The September 30, 2013 Decision and the December 12, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 97079 are **AFFIRMED**.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice


²⁵ 686 Phil. 877, 888 (2012).


²⁶ *Rollo*, p. 195.

²⁷ *Id.*

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice

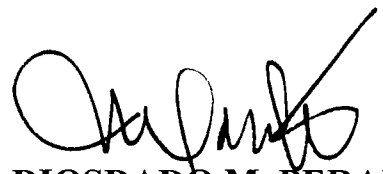

ANDRES B. REYES, JR.
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARI D. CARANDANG
 Associate Justice

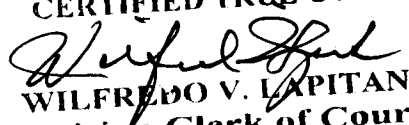
ATTESTATION

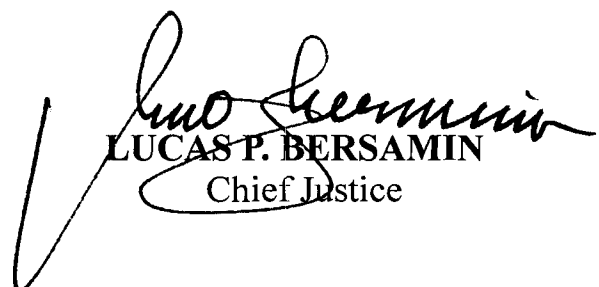
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
 Associate Justice
 Chairperson, Third 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.

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WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division


LUCAS P. BERSAMIN
 Chief Justice

MAY 17 2019