



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

SEBASTIAN TAMARES,
 substituted by OFELIA
 TAMARES PANELO,
Petitioner,

G.R. No. 233118

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,

- versus -

HERNANDO,
 INTING,
 GAERLAN, and
 ROSARIO,* JJ.

HEIRS OF NATIVIDAD and
 RAFAEL DE GUIA, SR.,
 represented by ROMEO DE
 GUIA, CARIDAD DE GUIA,
 RAFAEL DE GUIA, and SUSAN
 DE GUIA,
Respondents.

Promulgated:

AUG 04 2021

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DECISION

INTING, J.:

Assailed in this Petition for Review on *Certiorari*¹ are the Decision² dated March 23, 2017 and the Resolution³ dated July 27, 2017 of the Court of Appeals (CA) in CA-G.R. CV No. 104712 affirming the Judgment⁴ dated October 17, 2014 of Branch 71, Regional Trial Court (RTC), Iba, Zambales in Civil Case No RTC-3025-I. The RTC found that Romeo De Guia, Caridad De Guia, Rafael De Guia, and Susan De Guia (collectively, respondents) had satisfactorily presented sufficient evidence establishing their ownership over the property in question; thus it declared them as the rightful owners.⁵

* Designated additional member per Special Order No. 2835 dated July 15, 2021.

¹ *Rollo*, pp. 31-57.

² *Id.* at 15-29; penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Magdangal M. De Leon and Elihu A. Ybañez, concurring.

³ *Id.* at 10-13.

⁴ *Id.* at 167-177; penned by Presiding Judge Consuelo Amog-Bocar.

⁵ *Id.* at 177.

At the heart of the controversy is a parcel of land denominated as Lot 2189-B (subject property) with a total area of 2,181 square meters, located at Brgy. San Agustin, Iba, Zambales. The subject property is covered by Original Certificate of Title (OCT) No. 5589⁶ registered in the name of Andrea De Guia (Andrea).⁷

When Andrea died, she left an heir named Saturnina Apagalang (Saturnina).⁸

On January 2, 1945, Saturnina executed a Deed of Purchase and Sale⁹ over a 1,875 square meter portion of the subject property in favor of one Rafael De Guia (Rafael), married to Natividad De Guia (Natividad), for the amount of ₱50.00. The agreement was duly notarized before the Justice of Peace, Bernardo Parrales and recorded in the Notarial Registry bearing the entries Doc. No. 2; Page 37; Book No. VII, Series of 1945.¹⁰

Thereafter, respondents, as heirs of Natividad and Rafael, took possession of the 1,875-square meter lot in the concept of an owner. They introduced permanent improvements on the said portion of the subject property such as concrete houses and planted fruit-bearing trees and other plants. They also paid the real estate tax as evidenced by a tax declaration¹¹ under the name of Rafael.¹²

On August 5, 1961, Magno Giron (Magno) and respondents caused a subdivision survey¹³ of the subject property covered by OCT 5589 in the name of Andrea. Magno was the buyer of the 1,562-square meter portion of the subject property. Thus, the subject property was subdivided into (1) Lot 2189-A consisting of 1,562 square meters for Magno; and (2) Lot 2189-B consisting of 2,181 square meters for respondents. When respondents realized that only 1,875 square meters of the 2,181 square meters of Lot 2189-B is owned by them, and thus, apparently encroaching on the remaining 306 square meters of the

⁶ *Id.* at 281-282.

⁷ *Id.* at 16.

⁸ *Id.*

⁹ *Id.* at 332-335.

¹⁰ *Id.* at 17.

¹¹ *Id.* at 165-166.

¹² *Id.* at 17.

¹³ *Id.* at 134.

subject property owned by Saturnina, they compensated the latter in the amount of ₱200.00. Unfortunately, respondents were not able to register the purchase of the 306-square meter area from Saturnina with the Register of Deeds, and thus, they failed to acquire a certificate of title over the 306-square meter lot.¹⁴

On July 28, 1978, Saturnina died intestate leaving her only son Sebastian Tamares (petitioner).¹⁵

On June 1, 1999, or 21 years after the death of Saturnina, petitioner filed a complaint for unlawful detainer against respondents before the Municipal Trial Court (MTC) of Iba, Zambales docketed as Civil Case No. 882. After trial on merits, the MTC, in its Decision dated October 5, 1999, granted the complaint for unlawful detainer.¹⁶

On appeal, the RTC, in its Decision¹⁷ dated December 19, 2000, affirmed the MTC ruling.

The CA, in its Decision¹⁸ in CA-G.R. SP No. 63757 dated May 20, 2002, affirmed *in toto* the RTC Decision.

The CA held that petitioner's validly documented claim of ownership prevails over respondents' claim of ownership through possession for a long period of time. It further held that mere possession cannot defeat a Torrens title holder.¹⁹

On January 9, 2006, an Order of Demolition issued by the RTC on December 12, 2005 was implemented.²⁰

On September 22, 2005, respondents filed with the RTC a Complaint for Recovery of Ownership of Real Property and Reconveyance with Damages. The RTC dismissed it in 2008 for lack of

¹⁴ *Id.* at 17.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 147-149; penned by Judge Remigio M. Escalada, Jr.

¹⁸ *Id.* at 150-156; penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Romeo J. Callejo, Sr. (now a retired Member of the Court) and Danilo B. Pine, concurring.

¹⁹ *Id.* at 155.

²⁰ *Id.* at 39.

jurisdiction.²¹

On July 27, 2010, respondents filed a Complaint²² for Recovery of Ownership and Damages with the RTC docketed as Civil Case No. RTC-3025-I. In the complaint, they reiterated that they are the absolute owners and former possessors of a parcel of land with a total area of 2,181 square meters; and that by virtue of the Deed of Purchase and Sale, they were in possession of the property in a concept of an owner for 68 years, or since 1945 up to the demolition of their houses by virtue of a court order in 2009.²³

Trial ensued.

Respondents presented the testimonies of Susan De Guia, Romeo De Guia, and Cecilia P. De Guia. On the other hand, Ofelia Tamares Panelo (Ofelia) testified for petitioner.²⁴

In an Order dated October 16, 2013, the RTC dispensed with the presentation of petitioner's testimony after respondents' counsel manifested that petitioner's proposed testimony would merely corroborate the testimony of Ofelia.²⁵

In their Brief, respondents alleged the following: (1) that the Deed of Purchase and Sale dated January 2, 1945 was entered into by the parties therein during the end of World War II; (2) that the document had the characteristics of an ancient document, it being more than 30 years and was produced from the National Archives; (3) that no proof was presented with respect to the allegation of forgery in the signature of Saturnina in the Deed of Purchase and Sale; (4) that the verbal sale of the 306-square meter lot is not void because it was made before the effectivity of the New Civil Code wherein the execution of a public document is not required; (5) that acquisition by prescription had already set in because respondents had possessed and claimed the portion of land for more than 30 years; and (6) that the tax declarations all refer to the subject property because respondents have no other land in Iba, Zambales. In addition, they asserted that the petitioner cannot deny the

²¹ *Id.* at 18.

²² *Id.* at 159-164.

²³ *Id.* at 18.

²⁴ *Id.*

²⁵ *Id.*

sale which was admitted by the other co-heirs of Saturnina who refused to join in the filing of the complaint. Thus, only petitioner, as shown by the records, acted for himself.²⁶

In his Answer, petitioner averred that respondents' right to file action has already prescribed and that: (1) they have no valid cause of action against him; (2) Lot 2819 covered by OCT No. 5589 dated January 10, 1934 belonged to his grandmother Andrea, who was succeeded by her sole heir Saturnina; (3) his right to succession was transmitted to him by operation of law from the death of his mother, Saturnina; and (4) that he had religiously paid realty taxes for several years. To prove his ownership over the subject lot, he asserted that he has in his possession the owner's copy of OCT No. 5589, Tax Declaration No. 012-0238, subdivision plan, his birth certificate, and tax receipts from 1969 to 1999.²⁷

Petitioner further averred that since the alleged sale of the property in 1945, respondents did not demand recovery of the same from Saturnina when she was still alive, or from him after Saturnina's death. He also pointed out that there was no record of transfer or documents of sale in the Zambales Provincial Assessor's Office to prove that respondents' predecessor-in-interest bought the lot from Saturnina. He further asserted that respondents were estopped or barred by laches to institute the case.²⁸

Finally, petitioner insisted that the Deed of Purchase and Sale has no probative value as there was no proof of its due execution, either documentary or testimonial, and has no notarial seal.²⁹

Ruling of the RTC

In its Decision³⁰ dated October 17, 2014, the RTC ruled in favor of respondents. It held that it was properly established that the subject property rightfully belongs to respondents as shown by the Deed of Purchase and Sale dated January 4, 1945 and through testimonies of respondents' witnesses, viz.:

²⁶ *Id.* at 18-19.

²⁷ *Id.* at 19.

²⁸ *Id.* at 19-20.

²⁹ *Id.* at 20.

³⁰ *Id.* at 167-177.

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiffs, and the defendants are ordered:

1. To recognize plaintiffs ownership over the lot containing an area of 2,181 square meters;
2. To vacate and surrender to plaintiffs the land that they occupy;
3. To remove all their improvements at their sole expense; and
4. To pay the cost of suit.

SO ORDERED.³¹

Petitioner moved for reconsideration,³² but the RTC denied it in its Resolution dated December 18, 2014.³³

Undaunted, petitioner appealed to the CA.³⁴

Ruling of the CA

On March 23, 2017, the CA dismissed³⁵ petitioner's appeal and disposed of the case; thusly:

WHEREFORE, premises considered, the appeal is hereby DISMISSED. The Decision dated October 7, 2014 of the Regional Trial Court Branch 71 of Iba, Zambales is hereby AFFIRMED.

SO ORDERED.³⁶

The CA concurred with the RTC that respondents are the owners of the subject property as evidenced by the Deed of Purchase and Sale. At any rate, the CA concluded that respondents had already acquired the subject property by prescription, either through ordinary or extraordinary means, to wit:³⁷

In this case, there is no contest that the land was inherited by Saturnina from Andrea who is the original owner of the land. *Also,*

³¹ *Id.* at 177.

³² *Id.* at 178-196.

³³ *Id.* at 20.

³⁴ *Id.* at 198.

³⁵ *Id.* at 15-29.

³⁶ *Id.* at 28.

³⁷ *Id.* at 24.

the land in question was acquired through a "Deed of Purchase and Sale". Thus, the requirement of good faith and just title were complied with.

Assuming *arguendo* that ordinary acquisitive prescription is unavailing in the case at bar as it demands that the possession be "in good faith and with just title," *the [respondents'] adverse possession of the land for more than 30 years aptly shows that they have met the requirements for extraordinary acquisitive prescription to set in. [Respondents] have been in continuous, adverse and public possession of the 1,582 sq.m. [sic]³⁸ property since 1945 up to 2006, or a period of sixty one (61) years and of the 306 sq.m. property since 1960 up to 2006 or a period of forty six (46) years.³⁹ (Italics supplied.)*

Petitioner moved for reconsideration, but the CA denied it for lack of merit.⁴⁰

Hence, the petition before the Court.

On January 22, 2018, petitioner died.⁴¹ He was substituted by his daughter Ofelia.⁴²

In compliance with the Court's directive, respondents filed their Comment.⁴³ Ofelia filed her Reply.⁴⁴

Issue

The issue for the Court's consideration is whether the CA gravely erred when it: (1) upheld the validity of the Deed of Purchase and Sale as the basis of respondents' ownership of the property; and (2) ruled that respondents had already acquired the subject property by acquisitive prescription.⁴⁵

Petitioner invokes the age-old rule that a Torrens title is

³⁸ Should be 1875 sq.m. per Deed of Purchase and Sale, *id* at 16.

³⁹ *Id.* at 24-25.

⁴⁰ *Id.* at 12.

⁴¹ See Certificate of Death, *id.* at 438.

⁴² *Id.* at 441.

⁴³ *Id.* at 429-431.

⁴⁴ *Id.* at 443-448.

⁴⁵ *Id.* at 41.

conclusive evidence with respect to the ownership of the land described therein and that the titleholder is entitled to all attributes of ownership of the property. Thus, even if respondents' proof of ownership has in its favor a *juris tantum* presumption of authenticity and due execution, it still cannot, as it should not, prevail over the unencumbered original certificate of title which is in his possession.⁴⁶

Ruling of the Court

Petitioner's contention is untenable.

At the outset, the Court agrees with the age-old rule that the person who has a Torrens title over a land is entitled to possession thereof.⁴⁷ However, it is only true as long as he has not voluntarily disposed of any right over the covered land.⁴⁸

In *Borromeo v. Descallar*,⁴⁹ the mere possession of a title does not make one the true owner of the property, *viz.*:

It is settled that registration is not a mode of acquiring ownership. It is only a means of confirming the fact of its existence with notice to the world at large. *Certificates of title are not a source of right. The mere possession of a title does not make one the true owner of the property. Thus, the mere fact that respondent has the titles of the disputed properties in her name does not necessarily, conclusively and absolutely make her the owner.* The rule on indefeasibility of title likewise does not apply to respondent. A certificate of title implies that the title is quiet, and that it is perfect, absolute and indefeasible. However, there are well-defined exceptions to this rule, as when the transferee is not a holder in good faith and did not acquire the subject properties for a valuable consideration.⁵⁰ (Italics supplied.)

In *Lacbayan v. Samoy, Jr.*,⁵¹ the Court held that placing a parcel of

⁴⁶ *Id.* at 32.

⁴⁷ *Catindig v. Vda. de Meneses*, 656 Phil. 361, 373 (2011), citing *Caña v. Evangelical Free Church of the Phils.*, 568 Phil. 205, 217 (2008), further citing *Arambulo v. Gungab*, 508 Phil. 612, 621 (2005).

⁴⁸ *Republic of the Phils. v. Guerrero*, 520 Phil. 296, 307 (2006), citing *Republic of the Phils. v. Court of Appeals*, 183 Phil. 426 (1979).

⁴⁹ 599 Phil. 332 (2009).

⁵⁰ *Id.* at 343-344. Citations omitted.

⁵¹ 661 Phil. 306 (2011).

land under the mantle of the Torrens system does not mean that ownership thereof can no longer be disputed. Title as a concept of ownership should not be confused with the certificate of title as evidence of such ownership. Ownership is different from a certificate of title, the latter only serving as the best proof of ownership over a piece of land.⁵²

Hence, once a registered owner of a titled property subsequently and voluntarily disposed of any right over the same, the age-old rule that the titleholder of land is entitled to possession thereof is no longer applicable. In such a case, an action for reconveyance is available to the person with a better right than the person under whose name the property was registered.⁵³ It should be pointed out that in an action for reconveyance, the decree of registration is respected as incontrovertible and is not being questioned. Instead, it seeks to transfer or reconvey the land from the registered owner to the rightful owner or the one with a better right.⁵⁴ After all, the Torrens system was not designed to shield and protect one who holds the title in bad faith.⁵⁵

In the case, the court *a quo* correctly declared that respondents, despite not being the titled owner of the subject property, have a better right than petitioner in light of the Deed of Purchase and Sale made by and between Saturnina and Rafael.⁵⁶ Both the RTC and the CA are correct in finding that the Deed of Purchase and Sale dated January 4, 1945 was signed by the vendor Saturnina and duly notarized.⁵⁷ It is a well settled principle that the act of notarization converts a private document into a public document, making it admissible in evidence without further proof of its authenticity.⁵⁸ By law, a duly notarized contract enjoys the *prima facie* presumption of authenticity and due execution, as well as the full faith and credence attached to a public instrument.⁵⁹ To overturn this legal presumption, the burden falls upon petitioner.

Unfortunately, petitioner failed to discharge this burden.

⁵² *Id.* at 317.

⁵³ *Hortizuela v. Tagufa, et al.*, 754 Phil. 499, 508 (2015).

⁵⁴ See *Director of Lands, et al. v. Register of Deeds, et al.*, 92 Phil. 825 (1953).

⁵⁵ *Pacete v. Asoligue*, 700 Phil. 675, 686 (2012), citing *Ney, et al. v. Spouses Quijano*, 641 Phil. 110, 119 (2010), further citing *Mendizabel v. Apao*, 518 Phil. 17, 38 (2006).

⁵⁶ *Rollo*, p. 177.

⁵⁷ *Id.* at 332-333.

⁵⁸ *Heirs of Spouses Liwagor et al. v. Heirs of Spouses Liwagor*, 748 Phil. 675, 686 (2014).

⁵⁹ *Gatan, et al. v. Vinarao, et al.*, 820 Phil. 257, 267 (2017).

The only evidence offered by petitioner to impugn the Deed of Purchase and Sale is the testimony of Ofelia, who testified that her grandmother Saturnina never executed any document of sale in favor of Rafael.⁶⁰ Such testimony, as found by the RTC, is utterly unfounded.⁶¹ No clear, positive, and convincing evidence was shown to corroborate such claim.

Following the ruling in *Tapuroc v. Loquellano Vda. de Mende*,⁶² petitioner's bare denial that their predecessors-in-interest signed the subject deed of sale will not suffice to overcome the presumption of regularity of notarized documents.⁶³

Besides, even if the Deed of Purchase and Sale is treated as a private document, the outcome remains the same.

The Rules of Court defines an ancient document as one that: (a) is more than 30 years old; (b) is produced from custody in which it would naturally be found if genuine; and (c) is unblemished by any alteration or by any circumstance of suspicion.⁶⁴

In the case, the CA correctly held that the Deed of Purchase and Sale is an ancient document which, akin to a public document, need not be authenticated, *viz.*:

In this case, the "Deed of Purchase and Sale" is an ancient document as envisioned by Section 22 [*sic*], Rule 132 of the Rules of Court. *Having executed in January 2, 1945 which is now more than 30 years old, coming from the National Archives office which said document can naturally be found, and is unblemished by any alteration or circumstances of suspicion, there is no further proof of due execution and authenticity required.* The last requirement of the "*ancient document rule*" that a document must be unblemished by any alteration or circumstances of suspicion refers to the extrinsic quality of the document itself. Thus, the allegation of Sebastian that there was a forgery in the signature of Saturnina will not suffice.⁶⁵ (Italics supplied.)

⁶⁰ *Rollo*, p. 176.

⁶¹ *Id.*

⁶² 541 Phil. 93 (2007).

⁶³ *Id.* at 105.

⁶⁴ Section 21, Rule 132 of the Rules of Court. See *Cercado-Siga, et al. v. Cercado, Jr. et al.*, 755 Phil. 583 (2015).

⁶⁵ *Rollo*, p. 26-27.

Considering that the Deed of Purchase and Sale is both a public document and an ancient document, having satisfied all the requirements thereof, it is therefore entitled to great faith and evidentiary weight.

Clutching at straws, petitioner asserts that the registered owner of the subject property, Andrea, was still alive during the time that the Deed of Purchase and Sale was alleged to have been executed between Saturnina and Rafael. Thus, Saturnina was not in the right position to sell and transfer the absolute ownership of the subject property.⁶⁶ Notably, what petitioner calls for in the case at bar is a review of the facts. Such factual question which would require a re-evaluation of the evidence is inappropriate under Rule 45 of the Rules of Court.⁶⁷

Anent the second issue, the CA held that respondents had already acquired the subject property by prescription, either through ordinary or extraordinary means,⁶⁸ because of their continuous, adverse, and public possession of the 1,875 square meters property for more than 61 years, and of the 306 square meters property for 46 years.⁶⁹

The Court does not agree with the CA on this point.

Under the Property Registration Decree, no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession.⁷⁰ Hence, even if respondents have been occupying the subject property for a significant period of time, the rule is that the registered and lawful owner has the right to demand the return thereof at any time.⁷¹

Nonetheless, petitioner is already barred by the equitable presumption of laches.

⁶⁶ *Id.* at 43.

⁶⁷ *Gatan, et al. v. Finarao, et al.*, *supra* note 59 at 265.

⁶⁸ Ordinary acquisitive prescription requires possession in good faith and with just title for ten (10) years, while extraordinary prescription requires uninterrupted adverse possession over the immovable property for thirty (30) years without the need of title or of good faith.; See *Dr. Gesmundo v. Court of Appeals*, 378 Phil. 1099 (1999).

⁶⁹ *Rollo*, p. 24.

⁷⁰ Section 47 of Presidential Decree No. (PD) 1529.

⁷¹ *Pen Development Corp. et al. v. Martinez Leyba, Inc.*, 816 Phil. 552, 579 (2017)

For one, petitioner is neither the lawful owner nor the registered owner of the subject property. The Court, in the case of *Heirs of Lacamen v. Heirs of Laruan*,⁷² pronounced that:

[W]hile a person may not acquire title to the registered property through continuous adverse possession, in derogation of the title of the original registered owner, *the heir of the latter, however, may lose his right to recover back the possession of such property and the title thereto, by reason of laches.*⁷³ (Italics Ours.)

For another, aside from the fact that the other co-heirs of Saturnina recognizes the sale made in favor of the respondents, it was never disputed that respondents and their predecessors-in-interest have been in open, continuous and uninterrupted possession of the subject parcel of land since 1945. It was only in 1999, or after a period of about fifty-four (54) years when petitioner started asserting his alleged ownership by filing an ejectment case against respondents.

In fine, although respondents never acquired the subject property by prescription, still petitioner's neglect to assert his alleged ownership for an unreasonable length of time acts as a bar to the present action.⁷⁴ Once more, *vigilantibus sed non dormientibus jura subveniunt*. The law aids the vigilant, not those who sleep on their rights.⁷⁵

In any case, respondents have a better right over the subject property than petitioner by virtue of the Deed of Purchase and Sale.

WHEREFORE, the petition is **DENIED**. The Decision dated March 23, 2017 and the Resolution dated July 27, 2017 of the Court of Appeals in CA-G.R. CV No. 104712 are **AFFIRMED**.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

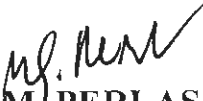
⁷² 160 Phil. 615 (1975).

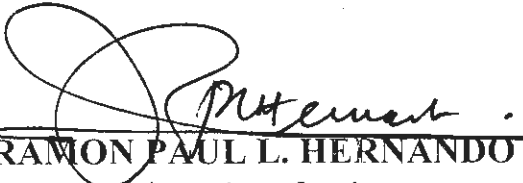
⁷³ *Id.* at 622, citing *De Lucas v. Gamponia*, 100 Phil. 277 (1956) and *Wright, Jr., et al. v. Lepanto Consolidated Mining Co. and Lednický*, 120 Phil. 495, 502 (1964).

⁷⁴ See *Rev. Fr. Lola v. CA*, 229 Phil. 436 (1986); *Miguel, et al. v. Catalino*, 135 Phil. 229 (1968); *Pabalate, et al. v. Echarri, Jr.*, 147 Phil. 472 (1971).

⁷⁵ *Romero v. Natividad*, 500 Phil. 322, 331 (2005).

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

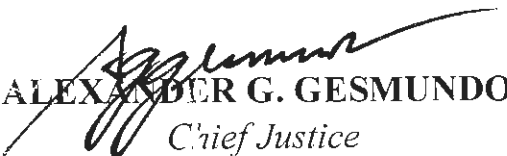
ATTESTATION

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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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.


ALEXANDER G. GESMUNDO
Chief Justice