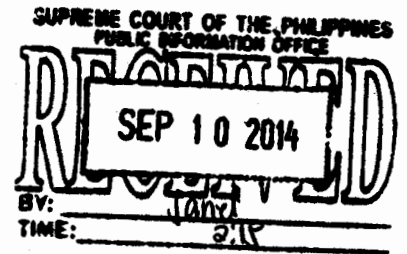




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 20, 2014, which reads as follows:

“G.R. No. 203757 (*Heirs of Leonor Lavadia, namely: Domingo Lavadia, Jr. (now deceased), substituted by his heirs, Antonio Lavadia and Romeo Lavadia, Juana Lavadia, Manuel Aison, Paz Aison Hernando, Daniel Aison, Jr., Basilio Lavadia, Lourdes Diy Canto, Norma L. Diy, Renato L. Diy, Ana Victoria L. Diy Baviera, John Francis L. Diy, Jose L. Barber, Marietta Barber Cordero, Nora L. Barber, Romarico L. Barber, Victory Barber Alsup, and Rosalina Barber Certeza v. Register of Deeds of Cagayan, Pilar Binag, Antonia C. Nuesa, Salvador Cabauatan, Oliver Cabauatan, Arturo Eusebio, Corazon Cabauatan, Carmen Cabauatan and Norberto Foz*). - This is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the May 10, 2012 Decision¹ and the September 25, 2012 Resolution² of the Court of Appeals (*CA*). in CA-G.R. CV No. 91996, which affirmed the June 2, 2008 Decision of the Regional Trial Court, Branch 42, Tuguegarao City, Cagayan (*RTC*), in a case for quieting of title and damages.

The Facts:

On April 30, 2000, the petitioners, Heirs of Leonor Lavadia (*petitioners*), filed a complaint³ for quieting of title against the Register of Deeds of Cagayan. The complaint was amended to include respondent Pilar Cabauatan Binag,⁴ and later, Antonio Nuesa, Salvador G. Cabauatan, Emma Cabauatan, Oliver Cabauatan, Arturo C. Eusebio, Corazon

¹ *Rollo*, pp. 28-48. Penned by Associate Justice Rebecca De Guia-Salvador with Associate Justices Normandie B. Pizarro and Rodil V. Zalameda, concurring.

² *Id.* at 50-51.

³ *Id.* at 65-69.

⁴ Amended Complaint, *id.* at 70-74.

Cabauatan, Carmen Cabauatan, and Norberto Foz (*respondents*), as additional defendants.⁵

Petitioners alleged that they were the owners of a parcel of land located at the corner of Gonzaga and Rizal Streets, Tuguegarao City, Cagayan, with an area of 999 square meters, more or less, as evidenced by Transfer Certificate of Title (*TCT*) No. T-119861; that they acquired the said property through a court-approved compromise agreement, dated July 3, 1998, in Special Proceedings No. 411, entitled, "*In re: In the matter of the intestate estate of Ricardo Interior*"; and that the subject property was formerly covered by TCT No. T-9784 in the name of Ricardo Interior, Sr. (*Interior*), who, in turn, acquired it from Lucio Cabauatan and his children (*Heirs of Gonzaga*), being the heirs of Trinidad Gonzaga (*Gonzaga*), and was derived from TCT No. T-9783.

Petitioners further alleged that when the heirs of Gonzaga registered the Extrajudicial Partition over the subject land, then covered by TCT No. T-1073, in the name of Gonzaga, the Register of Deeds (*RD*), instead of cancelling TCT No. T-1073, cancelled Original Certificate of Titles (*OCT*) Nos. O-1236, O-1237 and O-1003 which had long been cancelled by TCT No. T-1073; that as a result, TCT No. T-1073 still subsisted in the records of the RD, thereby putting a cloud over TCT No. T-119861 in the name of petitioners, and its source titles, TCT No. T-9874 in the name of Interior and TCT No. T-9783, in the name of the Heirs of Gonzaga.

Petitioners averred that Interior complied with all the requirements for the registration of the subject property in his name; that he had been in actual possession of the property for more than thirty (30) years and had regularly paid the taxes before it was transferred to petitioners following the death of Interior; that TCT No. T-9784 was, thus, replaced by TCT No. T-119861 under the names of petitioners; and that due to the failure of the RD to cancel TCT No. T-1073, respondents staked a claim over the property and disturbed their ownership.

For their part, respondents, except for Norberto Foz (*Foz*) who denied having interest in the subject property, averred that TCT No. T-119861 was a transfer from TCT No. T-9784, which was unsigned by the RD; that TCT No. T-9784 was a transfer from TCT No. T-9783, which was also unsigned by the RD; that as a consequence, TCT No. T-119861 had no basis; and that if petitioners actually had a claim over the subject property, it was barred by prescription.

⁵ Petition (Second Amended Complaint), id. at 75-83.

The RD, on the other hand, denied the claims of petitioners and prayed for the dismissal of the case.

On June 2, 2008, the RTC, dismissed the complaint and declared respondents, except for Foz, to be the owners of the subject property covered by TCT No. T-1073. It also ordered the RD to cancel all annotations of adverse claims on the subject property and on TCT Nos. T-9783, T-9784, T-11951, and T-119861. The RTC based its decision on the certification issued by the RD that there were no documents or records to serve as bases for the issuance of TCT No. T-1073 in the name of Gonzaga.

On appeal, the CA affirmed the decision of the RTC. The dispositive portion reads:

WHEREFORE, in view of the foregoing, the appeal is DENIED for lack of merit. The decision of the Regional Trial Court (RTC) of Tuguegarao City, Cagayan, Branch 42, in Civil Case No. 5656, dated June 2, 2008, is AFFIRMED.

SO ORDERED.

Petitioners filed a motion for reconsideration, but it was denied in a Resolution,⁶ dated September 25, 2012.

Hence, this petition.

ISSUES

I

WHETHER OR NOT THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT FINDING THAT RICARDO INTERIOR ACQUIRED LOT 2-B PSD-73447 BY VIRTUE OF THE DEED OF ABSOLUTE SALE EXECUTED IN HIS FAVOR (EXHIBIT F-1A) AND FURTHER CONFIRMED BY THE JUDICIAL ADMISSION OF ANTONIA CABAUATAN NUESA

II

WHETHER OR NOT THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN DECLARING THE RESPONDENTS, EXCEPT THE REGISTER OF DEEDS OF CAGAYAN AND NORBERTO FOZ, AS THE OWNERS OF LOT 2-B PSD-73447.⁷

⁶ Id. at 50-51.

⁷ Id. at 17-18.

In sum, the issue for resolution is whether or not the CA erred in declaring respondents, except Foz, as the owners of the subject property.

The Court finds no merit in the petition.

In petitions for review on *certiorari* under Rule 45 of the Rules of Civil Procedure, only questions of law may be raised by the parties and passed upon by this Court. This is because the Court is not a trier of fact. The findings of fact of the CA, particularly if they coincide with the RTC, and when supported by substantial evidence, are entitled to great weight and respect, and even finality, unless it is shown that the evidence of the parties was arbitrarily disregarded.⁸

Section 57 of Presidential Decree (*P.D.*) No. 1529 provides:

SECTION 57. Procedure in registration of conveyances. — An owner desiring to convey his registered land in fee simple shall execute and register a deed of conveyance in a form sufficient in law. The Register of Deeds shall thereafter make out in the registration book a new certificate of title to the grantee and shall prepare and deliver to him an owner's duplicate certificate. The Register of Deeds shall note upon the original and duplicate certificate the date of transfer, the volume and page of the registration book in which the new certificate is registered and a reference by number to the last preceding certificate. The original and the owner's duplicate of the grantor's certificate shall be stamped "cancelled". The deed of conveyance shall be filed and indorsed with the number and the place of registration of the certificate of title of the land conveyed.

In the present case, petitioners failed to present the documents that could have served as bases for the issuance of TCT No. T-119861. In fact, the RD issued a certification stating that the Special Power of Attorney, the Deed of Sale and the Subdivision Plan that were used as bases for the partial cancellation of T-9784, from which TCT No. T-119861 supposedly originated, were not in the files of the RD. As correctly ruled by the CA:

In sum, the fact that TCT Nos. T-9783 (in the name of Lucio Cabauatan et al.) and T-9784 (in the name of Ricardo Interior, Sr.) are both unsigned by the Register of Deeds, renders them spurious at the very least. The Register of Deeds does not have in its records copies of any of the documents necessary to effect the issuance of TCT Nos. T-9783 and T-9784 as required under Section 57 of PD

⁸ *Angeles v. Pascual*, G.R. No. 157150, September 21, 2011. 658 SCRA 23.

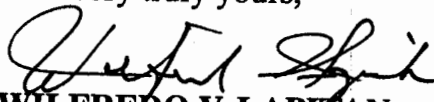
1529, albeit the authenticity of the certification relative to T-9784 is dubious. In effect, there appears to have been no basis for the issuance of T-9783 which necessarily includes T-9784, the latter title being merely derived from T-9783 which, as previously stated, are unsigned by the Register of Deeds. Lastly, TCT Nos. T-9784 and T-119861 (under the names of the plaintiffs-appellants) indicate that they are both transfers from TCT No. T-9783 which is patently erroneous.

All told, the foregoing documentary evidence presented by plaintiffs-appellants fall short of the quantum of evidence necessary to establish their legal or equitable interest over the disputed land, much less prove the invalidity or impropriety of respondents-appellees' title over the same. What's more, what little evidence plaintiffs-appellants presented was riddled with anomalies and irregularities, placing their integrity and admissibility in serious doubt.⁹

WHEREFORE, the petition is **DENIED**. (*Villarama, Jr., J., on official leave; Carpio, J., designated Additional Member, per Special Order No. 1756, dated August 20, 2014*)

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court

Atty. Meinrado Enrique A. Bello
Counsel for Petitioners
ARTUZ BELLO BORJA & ASSOCIATES
Room 210, Golden Sun Realty Bldg.
No. 29 Mindanao Avenue, Pag-asa
1100 Quezon City

COURT OF APPEALS
CA G.R. CV No. 91996
1000 Manila

Atty. Ephraim B. Cortez
Counsel for Respondents
No. 30-A J. Ocampo Street
Project 4, 1109 Quezon City

The Register of Deeds
3500 Tuguegarao City, Cagayan

The Presiding Judge
REGIONAL TRIAL COURT
Branch 42, Tuguegarao City
3500 Cagayan
(Civil Case No. 5656)

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⁹ Rollo, pp. 44-45.