

## FIRST DIVISION

[ G.R. No. 161238, July 13, 2009 ]

**HEIRS OF JOSE G. SANTIAGO, NAMELY, JULIA G. SANTIAGO, ESTER G. SANTIAGO, PRISCILA G. SANTIAGO, SUSAN G. SANTIAGO, JOSE G. SANTIAGO, JR., ERLINDA G. SANTIAGO, CARMENCITA G. SANTIAGO, MA. VICTORIA G. SANTIAGO, AND APOLINARIO G. SANTIAGO, REPRESENTED BY ESTER G. SANTIAGO (FOR HERSELF AND IN THEIR BEHALF), PETITIONERS, VS. AUREA G. SANTIAGO, VICENTE ONG, MARK VINCENT L. ONG, AND REGISTER OF DEEDS OF MEYCAUAYAN, BULACAN, RESPONDENTS.**

### R E S O L U T I O N

**CARPIO, J.:**

#### The Case

This is a petition for review on certiorari<sup>[1]</sup> assailing the Decision<sup>[2]</sup> promulgated on 14 November 2003 of the Court of Appeals (appellate court) in CA-G.R. CV No. 66048. The appellate court affirmed *in toto* the Decision<sup>[3]</sup> dated 30 September 1999 of Branch 11 of the Regional Trial Court of Malolos, Bulacan (trial court) in Civil Case No. 126-M-96 which upheld the validity of the sale by Juan Santiago in favor of Mark Vincent L. Ong of 10,926 square meters out of 31,853 square meters of co-owned property in the case filed by Juan Santiago's nephews and nieces (petitioners). Petitioners are the heirs of Jose G. Santiago, and Jose G. Santiago is Juan Santiago's brother and co-owner of the subject property. The trial court also upheld the validity of the Transfer Certificate of Title (TCT) issued in favor of Mark Vincent L. Ong.

#### The Facts

The trial court narrated the facts as follows:

This is an action for annulment of titles, injunction, damages and restraining order.

Plaintiffs, the heirs of Jose G. Santiago, allege in their Complaint that their father and his brother Juan G. Santiago, both deceased, were registered co-owners of a parcel of land containing an area of 31,853 square meters located at Catmon, Sta. Maria, Bulacan, covered by T.C.T. No. T-117343(M) (Exh. "A"). That on May 26, 1992, Juan Santiago, while confined at the Chinese General Hospital, Intensive Care Unit, allegedly

sold a portion of the above lot, measuring 10,926 square meters, to a two (2) year old child Mark Vincent Ong with the participation of defendant Aurea Santiago as evidenced by a Deed of Sale over a Portion of Land, dated May 26, 1992. And in support of the foregoing sale, an alleged affidavit of [non-]tenancy was executed by Juan G. Santiago. Both signatures of the latter in the said two (2) documents, according to plaintiffs, were spurious, forged and falsified by defendants who stood to benefit from it. Defendants Vicente Ong and Mark Vincent Ong, father and son respectively, were able to secure a title over the disputed lot by virtue of the falsified deed of sale and a supposed Partition Agreement dated October 15, 1994 executed by Jose Santiago and Juan Santiago who were long deceased before said date, having died on May 25, 1990 and September 21, 1992, respectively. Later on, Aurea Santiago allegedly managed to obtain a title covering the remaining 20,927 square meters, Title No. T-213216(M) issued on November 18, 1994 in the names of both Jose and Juan Santiago diminishing thereby the share of herein plaintiffs in the property.

Defendant Aurea Santiago in her Answer, denied inter-alia, having committed any falsification of document relative to the lot in question nor dealing or transacting with the other defendants. She claimed that her husband, Juan Santiago, during his lifetime, merely asked her to sign her conformity to a document selling his share in the subject parcel of lot which she did without even reading the document. That she received no amount of money from any of the defendants from the sale of the said property, which in reality was a capital property of her husband excluded from their conjugal partnership. With the aforesaid sale, she came to lose, as a consequence, all claims or interests over the remainder of the lot belonging to the co-ownership.

Defendants Ong in their Answer, admitted having purchased the questioned lot, with Vicente Ong explaining that the purchase was for valuable consideration in favor of her [sic] son Mark Vincent Ong, done after receiving legal advise [sic] on the matter, denying at the same time any participation in the preparation and execution of the deed of partition of the property.

Plaintiff, on the stand, reiterated the allegations in the complaint with the additional information that their father, Jose, died on May 25, 1990 and their uncle, Juan, expired on September 21, 1992.

Isagani Garcia, records officer of the Register of Deeds of Meycauayan, Bulacan testified on the matter of recording the documents involved in the case.

Atty. Jeremias Vitan, the notary public who appeared to have notarized the deed of sale (Exh. "B") and the affidavit of non-tenancy (Exh. "C") denied his notarization alleging that his signature in both documents were forgeries.

Defendant Aurea Santiago, in her testimony, merely reiterated her allegations in her Answer.

So did Vicente Ong, explaining in addition the details on how he came to buy the property and the corresponding documentation thereof, which according to him, was all handled by one Atty. Santiago and a certain Lita, after the death of the latter.

Plaintiffs, as the evidence shows, are after the annulment of the following documents based on fraud, to wit:

1. Deed of Sale dated May 26, 1992 executed by the deceased Juan Santiago in favor of Mark Vincent L. Ong involving the disputed 10,926 square meters of the community property covered by T.C.T. No. T-117343(M) (Exh. "B");
2. T.C.T. No. 213125(M) issued in the name of Mark Vincent L. Ong (Exh. "E");
3. Subdivision Plan signed by Mark Vincent Ong and the brothers Jose and Juan Santiago (Exh. "F");
4. Transfer Certificate of Title No. T-213216(M) issued in the names of Juan G. Santiago and Jose Santiago covering an area of 20,927 square meters or the remaining area of the community property (Exh. "H");
5. Consolidation and Partition Agreement dated August 17, 1994 signed by Juan and Jose Santiago (Exh. "N").<sup>[4]</sup>

### **The Trial Court's Ruling**

In its Decision dated 30 September 1999, the trial court partly denied the petitioners' claims. The trial court declared that Juan Santiago was well within his rights as a co-owner when he sold 10,926 square meters of the co-owned lot. Petitioners have no reason to complain or impugn the sale. Despite the allegations of forgery, the Ongs have in their favor the presumption of good faith in buying a portion of the co-owned lot. Vicente Ong's testimony that the late Juan Santiago's representatives carried out the documentation and registration of the property remained uncontradicted. The trial court decreed that TCT No. 213216(M) issued in the names of Juan and Jose Santiago has no legal basis. Petitioners are thus entitled to 15,000 square meters, more or less, or one-half of the 31,853 square meters of the subject property.

The dispositive portion of the trial court's decision reads:

WHEREFORE, judgment is hereby rendered as follows:

1. Declaring the Deed of Sale dated May 26, 1992 executed by the deceased Juan Santiago in favor of Mark Vincent L. Ong involving