

FIRST DIVISION

[G.R. No. 146259, September 13, 2007]

**FLORENTINO, TROADIO AND PEDRO, ALL SURNAMED OCHOA,
PETITIONERS, VS. MAURO APETA AND APOLONIA ALMAZAN,
RESPONDENTS.**

DECISION

SANDOVAL-GUTIERREZ, J.:

Challenged in this Petition for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, are the Decision^[1] dated September 8, 2000 and Resolution^[2] dated November 20, 2000 of the Court of Appeals in CA G.R. CV No. 56109.

The facts are:

Since 1910, the above-named petitioners and their predecessors-in-interest have been occupying Lot No. 1580 consisting of 886 square meters situated in Malaban, Biñan, Laguna. The lot is covered by Transfer Certificate of Title (TCT) No. T-40624 of the Registry of Deeds of that province. They built their houses and apartment building thereon.

Sometime in May 10, 1982, Mauro Apeta and Apolonia Almazan, respondents, found that they are the true owners of Lot No. 1580 being occupied by petitioners.

On January 22, 1988, respondents filed with the Regional Trial Court (RTC), Branch 24, Biñan, Laguna a complaint for recovery of possession and damages against petitioners, docketed as Civil Case No. B-2777. Respondents alleged in the main that they are the lawful owners of Lot No. 1580 covered by Certificate of Title No. RT-599 (10731) issued by the Registry of Deeds of Laguna.

In their answer to the complaint, petitioners specifically denied the allegations in the complaint, contending that they are the owners of Lot No. 1580 as shown by TCT No. T-40624 issued by the Registry of Deeds of Laguna.

During the proceedings before the RTC, upon agreement of the parties, the trial judge commissioned Engr. Romulo Unciano of the Bureau of Lands of Region IV to conduct a resurvey of the disputed property. The result of the resurvey (approved by the Bureau of Lands) shows that Lot No. 1580, occupied by petitioners, was registered in the name of Margarita Almada, respondents' predecessor-in-interest; and that the lot covered by TCT No. T-40624 is not Lot No. 1580, but Lot No. 1581 registered in the name of Servillano Ochoa, petitioners' predecessor-in-interest. This lot has been occupied by Isidro Jasmin.

On March 24, 1995, the trial court rendered a Decision in favor of respondents, thus:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants as follows:

1. Declaring plaintiffs as the true and lawful owners of Lot 1580 of the Biñan Estate Subdivision covered by Transfer Certificate of Title No. RT-599 (10731) and declaring the defendants without right whatsoever to continue in possession thereof.
2. Ordering the defendants and all those acting in their behalf to deliver peacefully the physical possession of Lot 1580 to the plaintiffs and to remove their houses and apartment building thereon.
3. Ordering the defendants to pay, jointly and severally to plaintiffs the amount of P30,000 as and for attorney's fees and litigation expenses.

SO ORDERED.^[3]

On appeal, the Court of Appeals, in its Decision dated September 8, 2000, affirmed the judgment of the RTC.

Petitioners filed a motion for reconsideration, but it was denied by the appellate court in its Resolution^[4] dated November 20, 2000.

Hence, the instant petition.

Petitioners contend that Lot No. 1580 belongs to them and that respondents' action is barred by prescription.

Petitioners' contention lacks merit.

On petitioners' claim that they are the owners of Lot No. 1580, it is a well-established principle that in an appeal via a petition for review on *certiorari*, only questions of law may be raised. Here, the issue posed by petitioners requires us to weigh anew the evidence submitted by the parties already passed upon by the Court of Appeals. It is basic that this Court is not a trier of facts. Thus, it may not review the findings of the Court of Appeals except, among others: (a) when its factual findings and those of the trial court are contradictory; (b) when its inference is manifestly mistaken or absurd; (c) when its judgment is premised on its misapprehension of the facts; and (d) when it failed to resolve relevant facts which, if properly considered, would justify a modification or reversal of the decision of the appellate court.^[5] The issue raised by petitioners that they are the actual owners of Lot No. 1580 is factual in nature and requires a review of the pieces of evidence presented by the parties. Thus, we can no longer pass upon and evaluate the lower courts' finding that based on the evidence presented before them, specifically the result of the resurvey conducted by Engr. Romulo Unciano, respondents are "the true and lawful owners of Lot 1580."