

THIRD DIVISION

[G.R. No. 111547, January 27, 1997]

**SPS. TRINIDAD S. ESTONINA AND PAULINO ESTONINA,
PETITIONERS, VS. COURT OF APPEALS, SPS. CELSO ATAYAN AND
NILDA HICBAN AND CONSUELO VDA. DE GARCIA, REMEDIOS,
ELVIRA, OFELIA, VIRGILIO, MARILOU, AND LOLITA ALL
SURNAMED GARCIA, AND HEIRS OF CASTOR GARCIA AND OF
SANTIAGO GARCIA, JR., RESPONDENTS.**

R E S O L U T I O N

FRANCISCO, J.:

The instant controversy involves Lot C of the amended plan Psu-22983 Amd., situated in Barrio Santisima Cruz, Sta. Cruz, Laguna with an area of 273 square meters. The said parcel of land was covered by Transfer Certificate of Title No. T-19175 issued in the name of Santiago Garcia who died on October 2, 1967. Some six years after Santiago Garcia's death, or on March 10, 1973, the then Court of First Instance of Manila issued an order granting Trinidad Estonina's application for a writ of preliminary attachment in Civil Case No. 88430 entitled "Trinidad Estonina et al., plaintiffs-versus-Consuelo Garcia et al., defendants". Consequently, a notice of attachment was inscribed as a memorandum of encumbrance at the back of TCT No. T-19175 in favor of Trinidad Estonina covering all the rights, title, interest, and participation that Consuelo Garcia, the widow of Santiago Garcia, may have in and to the parcel of land covered by the said title.

As a result of a prior sale made by Santiago Garcia to Anselmo Balasoto of a sixty square meter portion of the said parcel of land, TCT. No. T-19175 was cancelled and in lieu thereof, TCT No. 77215 was issued on July 25, 1975 in the name of Santiago Garcia covering the remaining 213 square meters. TCT No. 77215 was in turn cancelled on June 27, 1977 because of another sale purportedly made during his lifetime by Santiago Garcia to his wife's niece, Ofelia Garcia, and TCT No. 82229 was issued in the name of the latter.

On August 14, 1977, the children of Santiago Garcia with his first wife, Adela Isoreta, namely Ofelia, Remedios, Elvira and Castor, all surnamed Garcia, executed a deed selling, transferring and conveying unto the spouses Celso Atayan and Nilda Hicban (hereinafter referred to as the spouses Atayan for brevity) their "title, rights, interest and participation which is four tenths (4/10) pro indiviso share" in the said parcel of land covered by TCT No. T-82229. About a year after, Santiago Garcia's second wife and widow, Consuelo Garcia and their children, Virgilio, Marilou and Lolita, all surnamed Garcia, followed suit and also sold to the spouses Atayan, their four-tenths (4/10) *pro indiviso* share in the same parcel of land. On February 22, 1980, Estrella R. Garcia, the widow of Santiago Garcia, Jr. (Santiago Garcia's son from his first marriage), and their children, Roderick, Elizabeth, Dorothy and Erlinda, likewise sold to the spouses Atayan, their one-tenth (1/10) pro indiviso share in the parcel of land covered by TCT No. T-82229.^[1]

Subsequent to a favorable decision obtained by Trinidad Estonina in Civil Case No. 88430 against Consuelo Garcia, execution pending appeal was made on the parcel of land formerly covered by TCT No. T-19175 (now covered by TCT No. T-82229) on July 20, 1979. The said parcel of land was sold at a public auction where Trinidad Estonina was the highest bidder. Consuelo Garcia appealed the decision in Civil Case No. 88430 before the then Intermediate Appellate Court which, however, ruled in favor of Trinidad Estonina. Thus, on February 29, 1984, the Intermediate Appellate Court rendered a decision declaring "owner's copy of Certificate of Title-No. T-82229 a NULLITY and/or CANCELLED". Upon the finality of the said decision, TCT No. T-82229 was cancelled by the Register of Deeds of Laguna and in lieu thereof, TCT No. T-99961 was issued in favor of "Trinidad Estonina married to Paulino Estonina". [2]

On July 25, 1985, the spouses Atayan filed a complaint for annulment of sheriff's sale and transfer certificate of title with damages before Branch 28 of the Regional Trial Court (RTC) of Santa Cruz, Laguna, impleading as defendants therein the spouses Trinidad and Paulino Estonina (hereinafter referred to as the spouses Estonina for brevity), Nicanor E. Silvano, Reynaldo G. Javier, Edmund R. Solidum, the Register of Deeds of Laguna, and the heirs of Santiago Garcia who sold to the spouses Atayan their, pro indiviso shares in the parcel of land covered by TCT No. T-82229. The complaint prayed:

"that the sale at public auction of the parcel of land covered by TCT No 77215 x x x and the Sheriff's final deed x x x be declared null and void; that the Register of Deeds be ordered to cancel TCT No. T-99961 in the name of Trinidad S. Estonina married to Paulino Estonina x x x; that the plaintiffs be declared owners of nine-tenths (9/10) pro indiviso interests, shares and participation in the parcel of land covered by TCT No. T-77215, x x x, and the Register of Deeds ordered to issue a new certificate of title corresponding thereto, and that the defendants Nicanor E. Silvano, Reynaldo G. Javier and Edmund R. Solidum be ordered to pay, jointly and severally, the plaintiff's spouses and (sic) amount of P30,000 for attorney's fees, P15,000 for litigation expenses incurred, P20,000 for moral damages and P15,000 for exemplary damages x x x." [3]

In their amended answer to the plaintiff's complaint, the spouses Estonina claimed that:

"the plaintiff's (spouses Atayan) had acted in bad faith in allegedly purchasing the parcel of land, they being aware that it was the subject of a lawful and valid attachment; that there was no valid extrajudicial settlement of agreement executed by the heirs of Santiago Garcia by which their rights could have been adjusted and settled before doing anything with his property; that the deeds of sale executed by his heirs were anomalous, fictitious and simulated intended to defeat the adverse judgment rendered by the Court against them and the writ of attachment issued pursuant thereto as they were derived from a falsified deed of sale purportedly executed by Santiago Garcia on June 23, 1967; that the property in question is presumed to be conjugal answerable for obligations and liabilities of the conjugal partnership incurred during the

existence of the partnership; and that the plaintiffs were guilty of laches (pp. 90-99, rec.)" [4]

After trial, the RTC rendered a decision dismissing the complaint for lack of merit. It found, among others, that the property covered by TCT No. T-19175 and now covered by TCT No. T-82229, was acquired during the marriage of Santiago Garcia and Consuelo Garcia, and is presumed to be conjugal in nature. Upon the death of Santiago Garcia on October 2, 1967, his conjugal share of one-half (1/2) of the said parcel of land was transmitted to his heirs by intestate succession. By the law on intestate succession, his nine children, five by his first wife and four out of the subsequent marriage, and Consuelo Garcia, his second wife and widow, inherited the same at one-tenth (1/10) each *pro indiviso*. The remaining one-half (1/2) pertained to the conjugal share of Consuelo Garcia. Thus, inasmuch as Consuelo Garcia inherited one-tenth (1/10) of her husband's conjugal share in the said property and is the owner of one-half (1/2) thereof as her conjugal share, she owns a total of 55% (or 1/10 plus 1/2) of the said parcel of land. [5] Finding as such, the RTC held that what could be attached by the spouses Estonina and later levied on execution and sold at public auction was only Consuelo Garcia's rights and interests which is fifty five per cent (55%) of the property. Thus, the RTC ordered the Register of Deeds of the Province of Laguna, to cancel Transfer Certificate of Title No. T-99961 in the name of TRINIDAD S. ESTONINA, married to Paulino Estonina, and issue another one, also in her name, married to the same person, stating therein that said person is the owner of the property therein covered to the extent of 55% *pro indiviso*, and the remaining 45% belongs to the heirs of Santiago Garcia *pro indiviso*. [6]

Both the spouses Atayan and the heirs of Santiago Garcia appealed to the herein public respondent Court of Appeals. After a thorough review of the evidence on record, the Court of Appeals concluded that contrary to the finding of the RTC, the parcel of land in question was not the conjugal property of Santiago and Consuelo Garcia, but was the former's exclusive property. It was therefore the entire property that formed part of Santiago Garcia's estate upon his death. When Santiago Garcia died, his nine children and Consuelo Garcia inherited the said property each to the extent of one-tenth (1/10) *pro indiviso* share. Hence, it was only Consuelo Garcia's one-tenth (1/10) *pro indiviso* share in the parcel of land in question which could be validly attached, levied and sold in execution to satisfy the judgment against her and in favor of Trinidad Estonina in Civil Case No. 88430. On August 12, 1993, the Court of Appeals rendered a decision, the dispositive portion of which reads as follows:

"WHEREFORE, the judgment appealed from is REVERSED and SET ASIDE. Accordingly, Transfer Certificate of Title No. T-99961, covering Lot 2-C (LRC) Psd 223486, situated in Sta. Cruz, Laguna issued in the name of Trinidad S. Estonina, married to Paulino Estonina x x x, is hereby ordered cancelled and nullified and the Register of Deeds of Laguna ordered to issue another in lieu thereof covering the same parcel of land in the name of Trinidad S. Estonina, widow, one-tenth (1/10) *pro indiviso* share, and spouses Celso Atayan and Nilda Hicban, nine-tenths (9/10) *pro indiviso* share." [7]

Aggrieved, the spouses Estonina filed this petition and raised the following issues:

I.

The Court of Appeals, in declaring the property in question as exclusive property of Santiago Garcia, DISREGARDED the long established doctrine that the trial court's findings especially as to the credibility of the witnesses should be respected.

II.

The Court of Appeals, in issuing the questioned decision, solely centered on the nature of the property in question, and conveniently brushed aside the following legal issues raised on appeal (thereby leading to an erroneous judgment), to wit:

(a) That the plaintiffs-appellants (Sps. Atayan and now private respondents) have no cause of action and/or lack cause of action against Estoninas (now petitioners). Assuming, arguendo that they have, the same is now barred by laches. The same is true with the appellants Garcias (now also private respondents). Hence, the title of Estonina should have been declared valid.

(b) That the plaintiffs-appellants (Sps. Atayan and now private respondents) are not parties to Civil Case No. 88430 where the writ of attachment was issued and which resulted in the execution pending appeal. Hence, they cannot attack the validity of the execution in this proceedings especially so when judgment therein had already attained finality. Sccalär

III.

Consequently, by virtue of the foregoing errors, the Court of Appeals erred in not granting herein petitioners' prayer that the trial court's findings be modified by upholding Estonina's title to the property under TCT No. T-99961, and affirming in all other respect the order of the trial court.^[8]

The settled rule is that the factual findings, of the appellate court are deemed conclusive.^[9] Thus, the jurisdiction of this Court in cases brought to it from the Court of Appeals is generally limited to the review and revision of errors of law allegedly committed by the appellate court. As such, this Court is generally not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below.^[10] This is, however, subject to several exceptions, one of which is when there is a conflict between the factual findings of the Court of Appeals and the trial court, as in this case, warranting a review by this Court of such factual findings. ^[11]

In concluding that the parcel of land in question was the conjugal property of Santiago and Consuelo Garcia, the trial court relied solely on the fact that when TCT No. T-19175 covering the said land was issued, Santiago Garcia was already married to Consuelo Garcia, thus giving rise to the presumption that the same was indeed conjugal. It found the testimony of Consuelo Garcia that the said property was inherited by Santiago Garcia from his deceased mother to be self-serving and completely disregarded the said testimony. And as regards the inscription at the back of the TCT No. T-19175 that:

"[t]he property described in this title is subject to the claims of the heirs of the