

SECOND DIVISION

[G.R. No. 202889, March 02, 2020]

**RODOLFO CARANTO, PETITIONER, VS. ANITA AGRA CARANTO,
RESPONDENT.**

D E C I S I O N

HERNANDO, J.:

Before this Court is a Petition for Review on *Certiorari*^[1] assailing the April 18, 2012 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 90285 and its July 31, 2012 Resolution^[3] which partly affirmed the October 22, 2007 Decision^[4] of the Regional Trial Court (RTC), Branch 212 of Mandaluyong City in Civil Case No. MC01-1454, and denied petitioner Rodolfo Caranto's (Rodolfo) Motion for Reconsideration,^[5] respectively.

The Factual Antecedents

Respondent Anita Agra Caranto (Anita) is the registered owner of a 347-square-meter parcel of land situated in Barangay Hagdang Bato, Mandaluyong City which is covered by Transfer Certificate of Title (TCT) No. 7884.^[6] Sometime in 2001, Rodolfo filed a Complaint^[7] for cancellation of title and reconveyance against Anita seeking to: (a) cancel the title of the subject land; (b) reconvey one-half of the same to him; and (c) pay the sum equal to 25% of the value of the recoverable property as attorney's fees as well as costs of suit.

Rodolfo alleged that he is the son of Juan C. Caranto, Sr. and Guillerma Lopez-Caranto. He has a sister named Rizalina Caranto (Rizalina), and a brother named Juan Caranto (Juan) who was Anita's husband.

On May 12, 1972, Juan executed a Special Power of Attorney^[8] in favor of Rizalina authorizing her to execute a deed of extrajudicial settlement involving the subject property that was previously covered by TCT No. 277297. A few months later or on September 18, 1972, the siblings executed an Extrajudicial Settlement of the Estate of the Deceased Guillerma O. Lopez Caranto^[9] which stated, among others, the following:

8. That the parties herein have therefor agreed, as they do hereby agree, to divide and settle the aforementioned estate between and among them in the following manner, to wit:

(a) Property to be adjudicated to Juan L. Caranto: The parcel of land specified and described in paragraph 5(a) hereinabove (TCT

No. 277297- Rizal); [subject property]

(b) Property to be adjudicated to Rizalina Caranto Balaoeg: The parcel of land specified and described in paragraph 5(b) hereinabove (TCT No. 23542 – Rizal);

(c) Property to be adjudicated to Rodolfo L. Caranto: The parcel of land specified and described in paragraph 5(c) and the three (3) door residential apartment described in paragraph 5(d) hereinabove. (TCT No. 59009 – Rizal)

(d) Properties to be adjudicated to Juan L. Caranto, Rizalina Caranto Balaoeg and Rodolfo L. Caranto, in equal one-third undivided interest each:

The parcels of land specified and described in paragraph 5(e) - TCT 23453 (Rizal); 5(f)-OCT 0-304 (La Union) and 5(g)-Tax Dec. No. 27418 (La Union).^[10]

Juan died intestate on May 22, 1983. Afterwards, on August 14, 1993, Anita executed an Affidavit of Self-Adjudication^[11] adjudicating upon herself the subject property. As a result, TCT No. 277297 (later referred to as TCT No. 391576)^[12] was cancelled and TCT No. 7884 was issued in the name of Anita.

When Rodolfo learned about Anita's Affidavit of Self-Adjudication, he filed a Notice of Adverse Claim to protect his share in the subject property. He also filed a criminal complaint for falsification of public documents against Anita before the Office of the City Prosecutor of Mandaluyong City. In his September 3, 1998 Resolution,^[13] the city prosecutor recommended the filing of an Information for falsification against Anita.

Rodolfo alleged that the Affidavit of Self-Adjudication was a total falsity because at the time of his demise, Juan was survived not only by his wife Anita, but also by him and their sister Rizalina, as collateral relatives. Considering that Rizalina executed a Deed of Waiver of Rights^[14] on January 16, 1990 whereby she relinquished all her rights and participation over the subject property in his favor, Rodolfo alleged that he is now entitled to one half thereof.

For her part, Anita sought the dismissal of the complaint for lack of cause of action and that Rodolfo is barred by laches or prescription. Further, Anita claimed that the subject property is her exclusive property since she purchased the same with her own money. She denied that Rodolfo is a legitimate brother of her husband, Juan. Anita further denied committing any falsehood or misrepresentation in the execution of the Affidavit of Self Adjudication. Lastly, she belied Rodolfo's allegation that he exerted earnest efforts to settle the dispute between them prior to the filing of the complaint considering that she was already residing in the United States.

Anita, in turn, filed a compulsory claim for damages against Rodolfo for filing a baseless and malicious suit against her.

During the trial, Dante Agra, the brother of Anita and her attorney-in-fact,^[15] testified that Juan disclosed to him that Rodolfo was his illegitimate brother and that he also has an illegitimate sister. Further, Dante narrated that Juan informed him that he was the only son of Dolores Lopez who was the latter's mother as stated in the Marriage Certificate^[16] of Juan and Anita. Anita presented a Certification^[17] from the National Archives that it has no file of the Makati City Register of Births for the year 1935; hence, there was no available record about the birth of Juan on April 4, 1935 to Juan Caranto, Sr., as his father, and Dolores Lopez, as his mother. On the other hand, the Office of the Local Civil Registrar of Bacnotan, La Union,^[18] stated that Rodolfo was born on May 21, 1945, to Juan Caranto as his father and Guillerma Lopez, as his mother.

Ruling of the Regional Trial Court

In its October 22, 2007 Decision,^[19] the RTC ruled that the Extrajudicial Settlement of the Estate of the Deceased Guillerma Lopez-Caranto does not suffice to support Rodolfo's claim that he is the brother of Juan. Moreover, the Deed of Waiver of Rights executed by Rizalina in his favor, and the Special Power of Attorney executed by Juan designating Rizalina as his attorney-in-fact, were inadmissible for being mere photocopies of the originals. Besides, even if admitted, these also did not serve as proofs of Rodolfo's filiation with Juan.

The trial court further observed that Rodolfo did not present the birth certificate of Juan showing that his mother was also Guillerma Lopez Caranto. It could have disproved Dante's testimony that Juan's mother was Dolores Lopez with said evidence.

Anent the compulsory claim of Anita, the trial court awarded exemplary damages in her favor for failure of Rodolfo to prove his cause of action. Anita was also adjudged entitled to attorney's fees, litigation expenses and costs of suit. The *fallo* of the Decision reads in this wise:

WHEREFORE, premises considered, the court hereby renders judgment in favor of defendant Anita Agra Caranto and against plaintiff Rodolfo Caranto, ordering said plaintiff –

- 1) to pay the amount of Php20,000.00 as exemplary damages;
- 2) to pay the amount of Php20,000.00 as attorney's fees;
- 3) to pay the amount of Php10,000.00 as litigation expenses and cost of suit.

SO ORDERED.^[20]

Undeterred, Rodolfo appealed to the CA^[21] averring that the trial court erred: (a) in

not declaring Anita in estoppel in impugning his relationship with her husband; (b) in ruling that he failed to sufficiently prove that he is the brother of Juan; (c) in not giving credence to the Extrajudicial Settlement of Estate of the Late Guillerma O. Lopez-Caranto even in the absence of Juan's signature; (d) in not ordering the reversion of the property to him considering that the property was originally owned by his mother, Guillerma Lopez Caranto; and (e) in awarding exemplary damages and attorney's fees to Anita despite lack of bases thereof.^[22]

Ruling of the Court of Appeals

In its April 18, 2012 Decision,^[23] the CA partly granted Rodolfo's appeal. It agreed with the trial court's findings that Rodolfo failed to prove that he is the brother of Anita's husband, Juan, so as to have the right to inherit a portion of the subject property. Likewise, there was insufficient evidence to prove his title over the same to warrant an action for reconveyance as well as the cancellation of the title of the subject property.

Nonetheless, the appellate court held that the award of exemplary damages was improper for lack of basis. Further, there was no factual finding as to whether Rodolfo acted in a wanton, oppressive or malevolent manner in filing the complaint against Anita.

The dispositive portion of the appellate court's Decision reads:

WHEREFORE, premises considered, this Court **partially AFFIRMS** in part the October 22, 2007 Decision of the Regional Trial Court, Branch 212 of Mandaluyong City. This Court **partially DISMISSES** the instant appeal without prejudice to the filing before the appropriate court of an intestate proceeding for the purpose of determining the heirs who may be entitled to inherit to the estate, including the property covered by Transfer Certificate of Title No. 7884, previously under Transfer Certificate of Title No. 391576, of deceased Juan L. Caranto. Additionally, the award of exemplary damages is **DELETED** but the awards of P20,000.00 as attorney's fees and P10,000.00 litigation expenses and cost of suit are **AFFIRMED**.

SO ORDERED.^[24]

Aggrieved, Rodolfo filed a Motion for Reconsideration,^[25] but the appellate court denied the same in its July 31, 2012 Resolution^[26] for lack of merit.

Hence, the instant Petition for Review on *Certiorari*.^[27]

The Issues

The core issues for resolution are:

- (1) whether Anita is estopped from impugning the relationship between her late husband, Juan, and Rodolfo;
- (2) whether the evidence of Rodolfo, particularly the Extrajudicial Settlement of the Estate of the Late Guillerma O. Lopez-Caranto, sufficed to prove that he is entitled to one-half of the subject property of Juan by way of inheritance and by virtue of the waiver of rights executed by Rizalina in his favor; and
- (3) assuming that Juan's mother was named Dolores Lopez, whether Rodolfo is entitled to the whole subject property by reason that it was previously owned by his mother Guillerma.

The Court's Ruling

The Petition must be denied. The allegations of Rodolfo are a mere rehash of his arguments before the CA and essentially raise questions of fact as to be beyond the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court.

Rule 45 of the Rules of Court lays down the rule that only questions of law should be raised in petitions filed under the said rule since factual questions are not the proper subject of an appeal by *certiorari*. The Court will thus not entertain questions of fact as the factual findings of the appellate court are considered final, binding, or conclusive on the parties and upon this Court especially when supported by substantial evidence.^[28]

In *Century Iron Works, Inc. v. Bañas*,^[29] the Court differentiated a question of law from a question of fact in this manner:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.

Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact. (Citations omitted)