

SECOND DIVISION

[G.R. No. 209132, June 05, 2017]

HEIRS OF TERESITA VILLANUEVA, SUBSTITUTED BY HER LEGAL HEIRS, NAMELY: ELSA ANA VILLANUEVA, LEONILA VILLANUEVA, TERESITA VILLANUEVA-SIPIN, FERDINAND VILLANUEVA, AND MARISSA VILLANUEVA-MADRIAGA, PETITIONERS, VS. HEIRS OF PETRONILA SYQUIA MENDOZA, REPRESENTED BY MILAGROS PACIS, AND THE CO-HEIRS OF PETRONILA SYQUIA-MENDOZA, NAMELY, TOMAS S. QUIRINO, REPRESENTED BY SOCORRO QUIRINO, VICTORIA Q. DEGADO, CESAR SYQUIA, JUAN J. SYQUIA, REPRESENTED BY CARLOTA (NENITA) C. SYQUIA, AND HECTOR SYQUIA, JR., ACTING THROUGH THEIR ATTORNEY-IN-FACT CARLOS C. SYQUIA, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

This is an appeal from the Amended Decision^[1] of the Court of Appeals (CA) dated August 29, 2013 in CA-G.R. CV No. 88873, which reversed and set aside its original Decision^[2] promulgated on November 29, 2011.

The factual and procedural antecedents, as culled from the records of the case, are as follows:

The case at bar resulted from a dispute between the heirs of Petronila Syquia Mendoza and the heirs of Teresita Villanueva over a lot in Tamag, Vigan, Ilocos Sur.

On September 7, 2001, the heirs of Syquia filed a Complaint for declaration of nullity of free patent, reconveyance, and damages against Teresita Villanueva (*Villanueva*). They claimed that they are co-owners of Lot No. 5667 in Tamag, Vigan City, supposedly with an area of around 5,913 square meters. They likewise alleged that their title originated from their predecessors-in-interest, Gregorio and Concepcion Syquia, through a partition in 1950, and that they have been in open, peaceful, and uninterrupted possession of said parcel of land in the concept of an owner for more than thirty (30) years. However, sometime in 1992, Villanueva caused the survey and subdivision of the property into Lot Nos. 5667-A and 5667-B. Then in 1994, Villanueva obtained a Free Patent over Lot No. 5667-B and later, was issued Original Certificate of Title (OCT) No. P-38444.

The heirs of Syquia asserted that Villanueva had no registrable right over Lot No. 5667-B and that she obtained the free patent through fraud and misrepresentation.

On December 14, 2006, the Regional Trial Court (RTC) of Vigan City, Ilocos Sur in Civil Case No. 5649-V dismissed the abovementioned complaint, the decretal portion of which states:

WHEREFORE, for failure of the plaintiffs to prove their cause of action by preponderant evidence and/or, for being barred by laches, judgment is hereby rendered DISMISSING the Complaint in favor of substituted defendant heirs of Teresita C. Villanueva, namely: Elsa Ana Villanueva, Leonila Villanueva, Teresita Villanueva-Sipin, Ferdinand Villanueva and Marissa Villanueva-Madriaga.

The Complaint against defendants Provincial Environment and Natural Resources Officer (PENRO) and the Register of Deeds of Ilocos Sur is also DISMISSED.

The Register of Deeds of Ilocos Sur is ordered to cancel the Notice of *Lis Pendens* dated September 7, 2001 annotated on Transfer Certificate of Title Nos. T-37973, T-37974, T-38278, T-38279, T-38280, T-38281, T-38282 and T-38283, all in the name of Teresita C. Villanueva.

There is no pronouncement as to costs.

SO ORDERED.^[3]

Undeterred, the heirs of Syquia elevated the case to the CA. On November 29, 2011, the appellate court denied the appeal and affirmed the December 14, 2006 RTC Decision.

Consequently, the heirs of Syquia filed a Motion for Reconsideration. And, on August 29, 2013, they finally obtained a favorable decision when the CA reversed itself and ruled against the heirs of Villanueva, to wit:

WHEREFORE, premises considered, the Decision promulgated on November 29, 2011 is **RECONSIDERED** and **SET ASIDE**, and another one **PROMULGATED** as follows:

1. Declaring the Free Patent, OCT No. 38444, issued in the name of defendant-appellee Teresita C. Villanueva, and all other derivative titles issued therefrom, null and void ab initio;
2. Ordering the Register of Deeds of Ilocos Sur, Vigan City Station to cancel Transfer Certificates of Title No. T-37973, T-37974, T-37976, T-37977, T-38277, T-38278, T-38279, T-38280, T-38281, T-38282 and T-38283, issued in the name of defendant-appellee Teresita C. Villanueva, and all other derivative titles issued therefrom; and
3. Ordering defendants-appellees to pay the costs of suit.

SO ORDERED.^[4]

Hence, the present petition.

The sole issue in this case is whether or not the heirs of Syquia are entitled to validly recover the subject property from the heirs of Villanueva.

The Court rules in the negative.

It is a settled rule that the Supreme Court is not a trier of facts. The function of the Court in petitions for review on *certiorari* under Rule 45 of the Rules of Court is limited to reviewing errors of law that may have been committed by the lower courts. As a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts. To do otherwise would defeat the very essence of Rule 45 and would convert the Court into a trier of facts, which is not its intended purpose under the law. Here, the issue is essentially factual in nature, the determination of which is best left to the courts below, especially the trial court.^[5]

A petition for review under Rule 45 should only cover questions of law since questions of fact are generally not reviewable. A question of law exists when the doubt centers on what the law is on a certain set of facts while a question of fact results when the issue revolves around the truth or falsity of the alleged facts.^[6] For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by any of the litigants. The resolution of the issue must solely depend on what the law provides on the given set of circumstances. Once it is obvious that the issue invites a review of the evidence presented, the question posed is one of fact.^[7]

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. And it is only in exceptional circumstances that the Court admits and reviews questions of fact.^[8]

The rule admits of exceptions, which includes, but not limited to: (1) where the conclusion is a finding grounded entirely on speculation, surmise, and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of facts; and (5) the findings of fact are premised on the absence of evidence and are contradicted by evidence on record.^[9]

Here, the CA's amended judgment after granting the Syquias' motion for reconsideration is clearly based on a misapprehension of facts. Upon an exhaustive review, the Court is compelled to yield to the findings of fact by the trial court, as affirmed by the CA in its original decision. Here, the heirs of Syquia filed a complaint against the Villanuevas for the reconveyance of the subject property. From the allegations of the complaint itself, there is already serious doubt as to the identity of the land sought to be recovered, both in area as well as in its boundaries. Under Article 434^[10] of the Civil Code, to successfully maintain an action to recover the ownership of a real property, the person who claims of having a better right to it must prove two (2) things: *first*, the identity of the land claimed and second, his title to the same.^[11]

While the complaint identified the land as Lot No. 5667, Cad 313-D, Vigan Cadastre located in Tamag, Vigan, Ilocos Sur, it cited Tax Declaration No. 39-013194-A as part

of the supporting evidence. Based on the records, however, Lot No. 5667 has an area of 9,483 square meters, while the riceland mentioned in the tax declaration has an area of only 5,931 square meters. As to why the area in the tax declaration had suddenly increased to almost twice its original size, the heirs of Syquia failed to sufficiently justify during the trial. In fact, the trial court wondered why the Syquias never tried to offer an explanation for said substantial discrepancy. But what is more perplexing is the fact that Lot No. 5667-B, the actual property covered by Villanueva's free patent which the heirs of Syquia have been trying to recover, is only 4,497 square meters in area. Thus, the Court is placed in a serious quandary as to what the Syquias are really seeking to recover, the 9,483-square-meter lot in their complaint (the whole of Lot No. 5667), the 5,931-square-meter riceland in their supporting document (tax declaration), or the 4,497-square-meter property covered by the free patent which they are attacking as null and void (Lot No. 5667-B)?

They likewise failed to prove with sufficient definiteness that the boundaries of the property covered by Tax Declaration No. 39-013194-A are the exact same boundaries surrounding Lot No. 5667-B or even those around Lot No. 5667. Lot No. 5667 has the following boundaries:

Lot No. 5663, North
Lot No. 5666, South
Quirino Boulevard, East
Lot No. 6167, West

Lot No. 5667-B has the same aforementioned boundaries, except for the South, which shows Lot No. 5667-A. On the other hand, the tax declaration states the following:

Maria Angco, North
Heirs of Esperanza Florentino, South
Provincial Road, East
Colun Americano, West

The heirs of Syquia never adduced evidence tending to prove that Lot No. 5663 refers to Maria Angco, that Lot No. 5666 or that Lot No. 5667-A pertains to the heirs of Esperanza Florentino, that Quirino Boulevard is Provincial Road, and that Lot No. 6167 is Colun Americano.

The CA, in its Amended Decision, tried to justify its new ruling by explaining that since Lot No. 5667 had already been subdivided into two (2) lots, the boundaries and size of the property, as reflected in the tax declaration, would no longer match the boundaries and size of the lot covered by the free patent, which is Lot No. 5667-B, to wit:

xxx Resultantly, with the subdivision of plaintiffs-appellants' Lot No. 5667 into two (2) lots, the boundaries and area as stated in plaintiffs-appellants' Tax Declaration **would no longer match** with the boundaries and area as stated in the Free Patent No. 38444 subsequently issued in favor of defendant-appellee Villanueva.^[12]

What the CA failed to mention, however, was if said boundaries and area in the tax declaration had actually matched those of either Lot No. 5667-B or Lot No. 5667