

## SECOND DIVISION

[ G.R. NO. 171756, March 27, 2007 ]

**SPOUSES RICARDO IMBAT AND LILIA IMBAT, PETITIONERS, VS. SPOUSES MEDARDO SOLIVEN AND FLORENTINA NARVASA AND VINEZ HORTALEZA, RESPONDENTS.**

### D E C I S I O N

**CARPIO MORALES, J.:**

In an action for forcible entry filed by herein respondents Spouses Medardo Soliven and Florentina Narvasa against herein petitioner Ricardo Imbat and his brother Federico Imbat, which was docketed as Civil Case No. 700 (SF-94), the Municipal Circuit Trial Court (MCTC) of San Fabian-San Jacinto, Pangasinan rendered judgment, by Decision of March 29, 1995,<sup>[1]</sup> in favor of respondents, ordering the brothers Imbat to, among other things, vacate the therein subject two parcels of riceland, one with an area of 9.521 sq.m., and the other with an area of 4,653 sq.m., "located [in] Barangay **Anonang**, San Fabian, Pangasinan."

On appeal, Branch 40 of the Dagupan Regional Trial Court (RTC), noting that herein petitioners "merely denied all the allegations in the complaint with counterclaim for damages" without proffering any affirmative defenses, and that "[d]uring the pre-trial conference before the MCTC, both parties **agreed on, *inter alia*, the 'identities of . . . the land[s]'** subject of the case, affirmed the MCTC's decision.

<sup>[2]</sup>

The MCTC decision became final and executory. A writ of execution was issued and enforced, but the Imbat brothers re-occupied the questioned premises, drawing the trial court to declare them in contempt. An alias writ of execution was issued and the two eventually vacated the premises.

On July 24, 1998, petitioner Ricardo Imbat and his co-petitioner wife filed before the RTC of Dagupan a complaint for quieting of title against respondents after a similar complaint was dismissed by the MCTC for lack of jurisdiction. The complaint, docketed as Civil Case No. 98-02478-D, alleged as follows:

3. That the plaintiffs are the absolute owners and in actual possession from the time it was donated by their parents, the following described real property to the exclusion of anyone including the defendants-spouses herein, to wit:

"A parcel of irrigated Riceland at [B]arangay **Anonang**, San Fabian, Pangasinan containing an area of TEN THOUSAND FOUR HUNDRED THIRTY NINE (10,439) square meters, more or less. Bounded on the North by Zanja; on the South by Francisco Agsaoay; on the East by J. Corabat; and on the West by Lorenza Ferdamil. It is declared under Tax Declaration

No. 0868 and assessed at P3,230.00 as per the land records of San Fabian, Pangasinan. The said property is not registered under Act 496 as amended nor under the Spanish Mortgage Law but registerable under Act 3344, as amended."

x x x x

6. That the **defendants are disturbing the plaintiffs** in their peaceful possession and absolute ownership over the land in question **by attempting to implement a writ of execution issued pursuant to a decision** issued which is already become final and executory in an ejectment case over a certain land, which is **different land** herein described; the land defendants bought from spouses Alejandro Suratos and Rufo Gatchalian is located at **[B]arangay Binday**, San Fabian, Pangasinan;

x x x x (Emphasis and underscoring supplied)<sup>[3]</sup>

After trial, Branch 41 of the Dagupan RTC found that respondents' claim of ownership of the subject property is anchored on an Absolute Sale of Unregistered Land dated **December 22, 1975**<sup>[4]</sup> executed by the Spouses Rufo Gatchalian and Alejandra Suratos in their favor, possession of which property was taken by respondents until they were dispossessed by the brothers Imbat sometime in May 1994; and that petitioners' claim is anchored on a Deed of Donation<sup>[5]</sup> executed by the brothers Imbat's father, Florentino Imbat, in favor of herein petitioner Ricardo Imbat only on **January 25, 1995** during the pendency of the forcible entry case.

The trial court thus rendered judgment in respondents' favor by Decision of April 12, 2002,<sup>[6]</sup> the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the defendants Sps. Medardo Soliven and Florentina Narvasa and against the plaintiffs as follows:

- 1). Dismissing the complaint for lack of cause of action.
- 2). Declaring defendants Sps. Medardo Soliven and Florentina Narvasa [sic] the land in question, and quieting their title over the same and removing all clouds thereon.
- 3). Dismissing all other claims of the plaintiffs for lack of basis.
- 4). Ordering the plaintiffs to pay to the defendants the amounts of P20,000.00 as and attorney's fees and P10,000.00 as litigation expenses, and to pay the cost of suit.<sup>[7]</sup> (Underscoring supplied)

Petitioners appealed to the Court of Appeals, raising the issue of

WHETHER OR NOT THE HONOURABLE COURT A QUO'S DECISION IS IN CONSONANCE WITH THE FACTUAL CIRCUMSTANCES SURROUNDING THE CASE CONSIDERING THE QUESTIONED PROPERTY WHICH WAS CLAIMED

BY THE DEFENDANTS-APPELLEES WAS LOCATED AT BARRIO **BINDAY**, SAN FABIAN, PANGASINAN **NOT** [AT] BARRIO **ANONANG**, SAN FABIAN, PANGASINAN, THE SUBJECT MATTER OF THIS CASE.<sup>[8]</sup> (Emphasis and underscoring supplied)

Before the appellate court, petitioners argued in the main that the land claimed to be owned by respondents is located at Barrio Binday, and not at Barrio Anonang, which is where the land subject of the case and which was donated to petitioner Ricardo Imbat by his father Florentino Imbat is located; and that the land located in Anonang was purchased by Florentino Imbat in 1949, taxes for which were religiously paid.

The appellate court found that the documentary evidence showed that the land in question is the same land subject of the forcible entry case, and that respondents are the owners thereof. Explained the appellate court:

. . . [T]he **Absolute Sale of Unregistered Land dated December 22, 1975** refers to a property situated at Barrio **Anonang**, San Fabian, Pangasinan. Likewise, the **SOLIVENS' Declaration of Real Property and the Certification issued by the National Irrigation Administration (NIA)** refer to the land located in Barrio **Anonang**, San Fabian, Pangasinan. The **"Recibo Ti Panangawat Ti Cuarta Nga Ingatang Ti Daga"** to which appellants anchor their claim is no more than just a receipt - an acknowledgment of payment. It does not establish with certainty the particulars of the property involved therein. Among the Absolute Sale of Unregistered Land, the NIA Certification and the "Recibo Ti Panangawat Ti Cuarta Nga Ingatang Ti Daga," the first two documents are determinative of the identity of the land.<sup>[9]</sup> (Emphasis and underscoring supplied)

After receipt on November 19, 2003 by petitioners of a copy of the appellate court's decision or on December 4, 2003, the 14th day of the 15-day reglementary period to file a motion for reconsideration or an appeal, petitioners filed a motion for extension of time (10 days) to file a motion for reconsideration.<sup>[10]</sup>

On December 9, 2003, petitioners did file a motion for reconsideration of the appellate court's decision.<sup>[11]</sup>

By Resolution of July 27, 2004,<sup>[12]</sup> the appellate court denied petitioners' motion for reconsideration, the filing of a motion for extension of time to file a motion for new trial or reconsideration being prohibited, except in the Supreme Court.<sup>[13]</sup>

On August 20, 2004, petitioners filed a motion for reconsideration of the July 27, 2004 Resolution of the appellate court which was denied by Resolution of February 28, 2006.

Hence, the present Petition for Review,<sup>[14]</sup> petitioners faulting the appellate court for

1. . . . AFFIRMING THE DECISION OF THE HONORABLE REGIONAL TRIAL COURT DESPITE CLEAR EVIDENCE THAT THE PROPERTY SOLD BY SPOUSES RUFOGA[T]CHALIAN AND ALEJANDRA SURATOS IS A **DIFFERENT PROPERTY** AND