

FIRST DIVISION

[G.R. No. 149136, October 19, 2007]

**JUAN ENDOZO AND SPOUSES JOSE AND DOROTHY NGO,
PETITIONERS, VS. THE HEIRS OF JULIA BUCK, RESPONDENTS.**

DECISION

GARCIA, J.:

Under consideration is this petition for review on *certiorari* under Rule 45 of the Rules of Court seeking the reversal and setting aside of the Decision^[1] dated July 31, 2000 of the Court of Appeals (CA), as reiterated in its Resolution^[2] of July 20, 2001, in *CA-G.R. CV No. 57785*, an appeal thereto taken by the herein petitioners from an adverse decision^[3] of the Regional Trial Court (RTC) of Tagaytay City, Branch 18, in its Civil Case No. TG-1220, an action for reconveyance with damages, thereat commenced by the petitioners against one Julia Buck, predecessor-in-interest of the herein respondents.

The assailed CA decision affirmed with minor modification that of the trial court, while the equally challenged resolution denied the petitioners' motion for reconsideration.

At the core of the controversy is a parcel of land identified as Lot 4863, Cad. 355 of the Tagaytay Cadastre (Lot 4863, for brevity) with an area of 27,742 square meters, more or less.

The decision under review recites the facts, as follows:

xxx Juan Endozo claims to be the owner of a parcel of land identified as Lot 4863, Cad. 355 of the Tagaytay Cadastre The land is described as formerly within the Municipality of Talisay, Batangas situated in Barangay Calabuso, but which is allegedly now within Tagaytay City due to a change in the boundary line dividing Tagaytay City and Talisay, Batangas. Endozo claims that the lot was part of a family-owned 16-hectare property lot with the flat portion found in Tranka, Talisay, Batangas; that the 16-hectare property was the subject of an extrajudicial partition among the heirs of his parents Carlos Endozo and Maria Perez Endozo who had five children; that on 19 July 1991, he sold the subject lot to co-plaintiffs-appellants spouses Mr. Jose Ngo and Mrs. Dorothy Ngo in whose name Cadastral Plan No. Ap-04-006312 was approved; that the portion he sold to the Ngos is level and near the property which used to belong to Hammond Buck, ... [Julia's] father; that the spouses Jose and Dorothy Ngo were not able to transfer the tax declaration from Talisay, Batangas Assessor's Office to Tagaytay City as the said parcel of land had been already declared for taxation purposes in the name of ... Julia Buck.

xxx Julia Buck claims ownership of the [disputed] property as successor to the rights and interest of her father, Mr. Hammond Buck, once owner ... of 100 hectares located in Tagaytay City. Julia Buck applied for, and was granted, Free Patent No. (IV-2) 017534, and was thereafter issued Original Certificate of Title No 0-602 over the property which was registered with the Office of the Register of Deeds of Tagaytay City in her name on 23 November 1982.

Juan Endozo's complaint was initially dismissed The order of dismissal was reconsidered and the case ordered reinstated upon the filing of an amended complaint [docketed as Civil Case No. TG 1220 of the RTC of Tagaytay City] on 27 January 1992 impleading the spouses Ngo as additional plaintiffs.

After the parties presented evidence, the lower court ruled that ... Julia Buck had the better right to the land in question; that her title was now indefeasible against mere tax declarations presented by plaintiff-appellant Juan Endozo for properties which are located not in Tagaytay but in Talisay, Batangas. The lower court also noted that ... Juan Endozo failed to present the extrajudicial partition which he claimed had been executed by his parents over their alleged 16-hectare landholding.^[4] (Words in brackets added.)

The *fallo* of the decision^[5] dated June 13, 1997 of the RTC of Tagaytay City, finding for Julia Buck, as defendant thereat, reads:

IN VIEW OF ALL THE FOREGOING, the Court hereby renders judgment dismissing the complaint filed by plaintiffs and ordering the plaintiffs to pay defendant moral damages in the amount of P100,000.00 and to pay attorney's fees in the amount of P200,000.00.

SO ORDERED.

Therefrom, herein petitioners, as plaintiffs in the court of origin, appealed to the CA whereat their appellate recourse was docketed as *CA-G.R. CV No. 57785*. Meanwhile, Julia Buck died and was substituted by the herein respondent heirs.

As stated at the threshold hereof, the CA, in its herein assailed Decision^[6] dated July 31, 2000, affirmed with slight modification that of the trial court, to wit:

WHEREFORE, the decision of the lower court is accordingly MODIFIED by deleting the awards of P100,000.00 for moral damages and P200,000.00 for attorney's fees. In all other respects, the appealed decision is AFFIRMED.

With their motion for reconsideration having been denied by the CA in its equally challenged Resolution^[7] of July 20, 2001, petitioners are now with this Court *via* the instant recourse, claiming that the CA erred -

I

XXX IN HOLDING THAT THE PROPERTY BEING CLAIMED BY BOTH THE PETITIONERS AND THE RESPONDENTS ARE NOT EVEN PROXIMATE, AND

THAT PETITIONER JUAN ENDOZO FAILED TO SUBMIT A COPY OF THE EXTRAJUDICIAL PARTITION OF THE 16-HECTARE PROPERTY WHICH ALLEGEDLY INCLUDED THE SUBJECT PROPERTY.

II

XXX IN HOLDING THAT THE PRESUMTION THAT THE GRANT OF FREE PATENT AND ISSUANCE OF THE CERTIFICATE OF TITLE BY VIRTUE THEREOF WERE REGULAR AND MADE AFTER ALL THE REQUIREMENTS HAD BEEN COMPLIED WITH BY THE APPLICANT JULIA BUCK, HAD NOT BEEN OVERTURNED BY THE EVIDENCE OF PETITIONERS, DESPITE THE FACT THAT PETITIONERS SPOUSES NGO HAD PRESENTED COMPETENT AND SUBSTANTIAL EVIDENCE TO PROVE THEIR CLAIM OVER DISPUTED PROPERTY.

III

XXX IN NOT HOLDING THAT THE APPLICANT JULIA BUCK IS NOT QUALIFIED TO BE THE BENEFICIARY OF THE SUBJECT PROPERTY UNDER THE PROVISIONS OF THE PUBLIC LAND LAW ON FREE PATENT.

IV

XXX IN HOLDING THAT THE ACTION FOR RECONVEYANCE OF PETITIONERS HAD ALREADY PRESCRIBED.

V

XXX IN NOT GRANTING PETITIONERS' MOTION FOR NEW TRIAL BASED ON NEWLY DISCOVERED EVIDENCE, AND CONSIDERING THAT THE SUPPOSED CLASSIFICATION OF SUBJECT LAND AS FOREST LAND AND THE INCIPIENT REVERSION PROCEEDINGS TO BE INSTITUTED, WOULD HAVE NO BEARING AND WOULD BE ADVERSED TO PETITIONERS' CLAIM OF OWNERSHIP OVER THE SUBJECT LAND.

VI

XXX IN FAILING TO RESOLVE SQUARELY THE ISSUE THAT THE LOWER COURT ERRED IN ADOPTING THE DRAFT DECISION OF THE APPLICANT-DEFENDANT JULIA BUCK.

We **DENY**.

The main and decisive issue tendered by the petitioners is factual, revolving as it were around the identity and location of the disputed Lot 4863.

For sure, the lot claimed by the petitioners as theirs had been determined by the trial court to be different from Lot 4863 over which Free Patent No. (IV-2) 017534 and later Original Certificate of Title No. 0-602 were issued to Julia Buck. The Court finds no reason to disturb the factual findings of the trial court, it being axiomatic that such findings, especially when affirmed by the CA, as here, are binding on this Court. It is not the function of this Court to re-examine the trial