

THIRD DIVISION

[G.R. NO. 165038, November 29, 2006]

HEIRS OF EMILIO R. DOMINGO AND FELICIDAD CORNEJO, NAMELY: MARIO DOMINGO, AVELINO DOMINGO, BASILISA VICENCIO, ALEJANDRO DOMINGO, LEONILA CABREZA, ENGRACIA VELASCO, MARIA LUZ DOMINGO PETITIONERS, VS. THE HEIRS OF CLARITA D. MARTIN, NAMELY: CESAR, ADRIAN, EDNA, NOEL, RONALD AND ZENAIDA, ALL SURNAMED MARTIN. RESPONDENTS.

D E C I S I O N

CARPIO MORALES, J.:

The spouses Emilio R. Domingo and Felicidad Cornejo were the owners of a parcel of land, covered by Original Certificate of Title No. 231 (OCT No. 231), known as Lot 1769^[1] (the lot). After they and their children were killed during World War II, intestate estate proceedings, docketed as Special Case No. 109-R, were filed before the then Court of First Instance of Davao City.

In the meantime, the lot was subdivided into two, Lot 1769-A and Lot 1769-B. Lot 1769-B was awarded to the heirs of Emilio Domingo: his siblings Arturo Domingo, Manuel Domingo, Basilisa Vicencio, and Maria Domingo. Lot 1769-A was awarded to the heirs of Emilio's wife Felicidad Cornejo: her siblings Joaquin Cornejo, Dominga Bernabe, Nicanor Cornejo, Francisco Cornejo, Benedicto Cornejo, Maximo Cornejo, Ernesto Cornejo, and Fernando Cornejo.

Herein petitioners-heirs of Emilio Domingo's siblings, claiming that the heirs of Felicidad Cornejo, represented by Emilio Bernabe, sold Lot 1769-A to them in a transaction represented by Arturo Domingo, filed a complaint "for judicial settlement of estate with damages and attorney's fees,"^[2] docketed as Civil Case No. 25,170-97 before the Regional Trial Court (RTC) of Davao City, against the heirs-children of Enrique and Clarita Martin who claimed that Lot 1769-A was sold to their parents from the heirs of Felicidad Cornejo.^[3]

Branch 8 of the Davao RTC held in favor of herein petitioners, it finding that "**the share of the Cornejos . . . have been sold to Arturo Domingo**, father of the plaintiffs and grandfather of the defendants."

The Court of Appeals, by Decision^[4] of February 13, 2004, reversed the trial court's decision upon a finding that the Domingo heirs-herein petitioners failed to establish their claim to Lot 1769-A by preponderance of evidence and thus declared **the heirs of the spouses ENRIQUE and CLARITA Martin to be "the exclusive co-owners of the share pertaining to FELICIDAD Cornejo-Domingo, or Lot No. 1769-A."**

Petitioners' Motion for Reconsideration^[5] of the Court of Appeals decision having been denied,^[6] they filed the present Petition for Review on Certiorari.^[7]

The petition is devoid of merit.

Indeed, petitioners failed to prove their claim to Lot 1769-A by preponderance of evidence. Petitioners' Exhibit "A"—September 21, 1964 receipt of payment^[8] presented to show that Arturo Domingo paid the purchase price of a "*lupa sa Lapanday sapagkat iyon ay mana rin namin*"^[9] could refer to any parcel of land in Lapanday. Petitioners' claim, without more, that "*lupa sa Lapanday*" was understood to refer to the lot covered by Lot 1769-A^[10] does not persuade.

Petitioners' Exhibit "B,"^[11] a signed agreement dated September 16, 1964 between Emilio Bernabe, as alleged representative of Felicidad Cornejo, and Arturo Domingo, as representative of Emilio Domingo reading:

KAMI, na nakalagda sa mababa ay nagpapatunay na sa paghahati ng isang lagay na tirikan ng bahay na pagaari ng mga yumaong EMILIO DOMINGO at FELICIDAD CORNEJO, ay ang mga tagapagmana sa magkabila ay nagkasundo at sapamamagitan [*sic*] nito'y nagkakasundo na ang Lote Blg. 47-B-1 ay para sa mga tagapagmana ni EMILIO DOMINGO at ang Lote Blg. 47B-2 ay para sa mga tagapagmana ni FELICIDAD CORNEJO.

Nilagdaan, ngayon, ika 16 ng Septiembre, 1964, dito Lugsod ng Dabaw, Pilipinas.^[12] (Emphasis and underscoring supplied),

does not prove that Lot No. 1769-A was being agreed upon as going to the heirs of Emilio Domingo.

Petitioners' Exhibit "C," the January ____ [*sic*] 1997^[13] Special Power of Attorney (SPA) purportedly executed by the heirs of Arturo R. Domingo and Maria T. Domingo including the now deceased Clarita D. Martin, predecessor-in-interest of respondents, naming "their brother and co-heir" herein petitioner Alejandro Domingo as their attorney-in-fact

x x x x

1. To investigate, find and recover for us whatever inheritance we are entitled to from our deceased parents mentioned above, whatever real of [*sic*] personal properties or whatever kind of inheritance, legacies or bequests we are entitled to; more specifically our right and correct share from the parcel of land located in Mandug, City of Davao, particularly consisting of 21 hectares, 82 ares and 45 centares, covered by Oct No.P-231 of the Register of Deeds of Davao City, still registered in the name of Emilio Domingo, but the ownership of which was transferred absolutely to our father, Arturo R. Domingo during their lifetimes;

x x x x^[14] (Underscoring supplied)