

THIRD DIVISION

[G.R. No. 140472, June 10, 2002]

**NORA T. JIMENEZ, JOSEFINA T. GAVINO, LIBRADA T. DINO AND
SUSAN T. JOVEN, PETITIONERS, VS. COMMISSION ON
ECUMENICAL MISSION AND RELATIONS OF THE UNITED
PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA,
UNITED CHURCH OF CHRIST IN THE PHILIPPINES AND
POLICARPIO CARUNGIN, RESPONDENTS.**

DECISION

PANGANIBAN, J.:

The well-settled rule that factual findings of trial courts deserve respect, sometimes even finality, is based on the postulate that they had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of witnesses and to observe their conduct and demeanor on the stand. But where the factual assessments refer to documents that are available to the scrutiny of appellate courts in the same manner that they were to the lower courts, this reliance does not apply. In the present case, the controversy revolves around the allegedly forged signatures on documents that could be examined by the Court of Appeals (CA). In any event, since there was a conflict in the factual assessments made by the trial and the appellate courts, we have opted to pass upon the issue as an exception to the general rule.

The Case

Before us is a Petition for Review on Certiorari under Rule 45, challenging the January 29, 1999 Decision and the September 7, 1999 Resolution the Court of Appeals^[1] in CA-GR CV No. 48877. The assailed Decision disposed as follows:

"WHEREFORE, the appealed Decision dated September 20, 1994 is **REVERSED and SET ASIDE,** and another is entered sustaining the validity of the Deed of Sale dated July 7, 1936 and of TCT No. 90689 issued in the name of UCCP as owner thereof, and **DISMISSING** the Complaint."^[2]

The assailed Resolution denied reconsideration.^[3]

The Facts

The facts of the case are summarized by the CA in this wise:

"The [petitioners] are sisters and the children of x x x Nicanor Teodoro and Francisca Ciriaco. They filed their complaint in 1982 alleging that their mother was the owner of the subject property which was titled in her name under OCT No. 11757. Said property is now covered by TCT

No. 90689 in the name of [respondent] United Church of Christ in the Philippines (or UCCP) for this was donated to it by the Commission on Ecumenical Mission in that Deed of Donation dated July 1, 1977. [Petitioners] claim that their parents never sold the lot to the Board of Foreign Missions nor any one else, and that their purported signatures on the impugned Deed of Sale have been found to be forgeries by government handwriting experts. Relying on this [respondents] filed this suit [imputing] the fraudulent act upon [respondents] and thus asked for the declaration of nullity of the subject deed and of TCT No. 90689 issued in the name of UCCP, the reconveyance of the subject property in their favor, and for the award of damages.

"In their answer, [respondents] denied that there was forgery and insisted that the said spouses legally conveyed their property under a valid deed of sale. They likewise averred that the action was already barred by prescription and/or laches for [petitioners] filed this suit after sleeping on their alleged rights for forty-five (45) years.

"At the trial [petitioners] submitted various exhibits as documentary evidences and presented five (5) witnesses, namely: [petitioners] Susan T. Joven and Nora T. Jimenez, handwriting experts Arcadio Ramos of the National Bureau of Investigation and Francisco Cruz, Jr., of PC Crime Laboratory, and [respondent] pastor Policarpio Carungin. On the other hand, [respondents] proffered as their evidences four (4) documents and the testimonies of [Respondent] Pastor Policarpio Carungin and that of his wife Felicula.

"According to [petitioners], their father and mother died respectively on September 30, 1979 and April 3, 1943, and they were then only minors when their mother died. In 1975 they learned for the first time about the subject property from Irene Cruz, their aunt and the caretaker of their mother's said property. They had no copy of the original title to the property and the only documents they possessed proving their mother's ownership were the Application for Registration of Title filed by their mother in 1929 docketed as G.L.R.O. Rec. No. 35469 and the Court Order for the issuance of Decree No. 381166 in 1930 commanding the registration of the subject property in their mother's name. With these papers on hand, [petitioners] then filed a petition for reconstitution of original certificate of title in 1977. This was opposed by UCCP arguing that it owned the property by virtue of a valid deed of sale signed by their parents. [Petitioners] also discovered that a petition for reconstitution of transfer of certificate of title involving the same property had been filed way back in 1975 by the UCCP, and in fact, in 1979 this petition of UCCP was granted and TCT No. 90689 was issued in its name. Entertaining doubts as to the truthfulness of the deed of sale, [petitioners] secured a copy of it and showed it to their father who denied having signed the deed. Consequently they asked for signature verification of the said deed of sale by the NBI and the PC. In its 'Questioned Document Report No. 241-780' the NBI made the finding that the sample and questioned signatures of Francisca were not written by the same person, while no definite opinion was given as to Nicanor's signatures because of the insufficiency in numbers of his sample

signatures. The PC Crime Laboratory examination came to the conclusion that the signatures of both Francisca and Nicanor were written by persons other than the said spouses.

"On the other hand, the evidence of [respondents] shows that the Board of Foreign Missions (now the Commission on Ecumenical Mission) bought the subject property from the Teodoro spouses in 1936. A church building was constructed on it that same year by the Presbyterian Protestant Church which was then under the ecclesiastical auspices of the Board of Foreign Missions. From then on, the church has remained on the property and has been regularly used for religious worship by its members. Sometime in 1947, several protestant church bodies, including the Presbyterian Church, were merged into a one incorporated union - the UCCP. In order that the title to the subject property would be transferred in the name of UCCP, a deed of donation was executed by the Board of Foreign Missions in its favor in 1977. Way back in 1975, UCCP filed a petition for reconstitution of Transfer of Certificate of Title No. T-14785 of the subject lot in the name of the Board of Foreign Missions, which was granted in 1979. In 1980, the UCCP registered the lot in its name and TCT No. T-90689 was issued canceling TCT No. T-14785.

"On March 17, 1989, the court *a quo* rendered its first decision of the case dismissing the complaint of [petitioners] on the grounds of prescription and laches, and as such it did not anymore see it fit [to] resolve the other issues of the case, The pertinent portion of the judgment reads as follows:

'[Petitioners'] claim being barred by prescription and laches, the other issues need no longer be discussed.

'WHEREFORE, this case is hereby ordered DISMISSED.'

"Dissatisfied [petitioners] challenged the ruling by filing an appeal with this Court docketed as CA-G.R. No. 21704. On October 31, 1991, this Court rendered its decision reversing the lower court's judgment holding that the case had not been barred by laches or prescription, and thereupon:

'PREMISES CONSIDERED, this Court hereby resolves to remand the instant action to the court a quo for the said court to dispose of the undisposed issues specified in its Order dated January 4, 1983, such disposition to be made on the basis of the evidence on record.'

The said undisposed issues were (a) the validity of the subject deed of sale, (b) the nature of the subject property, whether it be conjugal or paraphernal, and (c) the liability for damages.

"This ruling was not appealed to the Supreme Court. Upon remand, the court *a quo* required the parties to submit their respective memoranda concerning the three unresolved issues, and on September 20, 1994 rendered the herein assailed judgment in favor of [petitioners] declaring the nullity of the deed of sale and the TCT No. 90689 due to forgery but

finding [respondents] builders in good faith so no damages was awarded.
x x x.

'WHEREFORE, PREMISED ON THE FOREGOING CONSIDERATIONS, Judgment is hereby rendered in the following manner:

- 1. Declaring the nullity of the Deed of Sale dated July 7, 1936 and supposedly executed by Spouses Nicanor Teodoro and Francisca Ciriaco over the lot in question in favor of the defendant Church;*
- 2. Declaring the nullity of TCT No. 90689 in the name of [respondent] Church;*
- 3. Declaring [petitioners] to be the rightful owners of the lot in question as the legal heirs of Francisca Ciriaco who is hereby declared to be the previous owner of said Lot as her paraphernal property;*
- 4. Declaring [respondents] to be a builder in good faith whose rights and obligations over the Church and improvements it had constructed on the lot in question should be governed by the provisions of Art. 448 of the Civil Code.*
- 5. No pronouncements as to damages and costs.'"*

x x x x x x x x x ^[4] (Citations omitted)

Ruling of the Court of Appeals

The CA reversed the RTC, which had "placed unquestioning faith and reliance on the findings of the National Bureau of Investigation (NBI) and the Philippine Constabulary (PC) Crime Laboratory Service."^[5] The appellate court held that the trial court had misconstrued the former's Decision in CA-GR CV No. 21704. The CA denied having ever made a finding that the alleged forgery in the questioned Deed of Sale had never been rebutted by respondents when they failed to raise the matter in their Brief or Memorandum. Rather, the appellate court supposedly confined itself to determining whether petitioners' Complaint was barred by prescription and laches. "The case would not have been remanded to the court *a quo* if there ha[d] been a finding that [respondents] had indeed admitted the fact of forgery."^[6]

The appellate court doubted the findings of the NBI and the PC handwriting experts, because "the documents from which the sample signatures were taken were either mere photocopies, or dated years away from the questioned Deed of Sale of 1936."^[7] The police findings were not conclusive upon the courts, which could totally disregard them and make their own separate finding for themselves. After examining and analyzing the subject signatures, the CA concluded: "We x x x found no substantial indicia or reason to suspect their authenticity. Contrary to the findings of the NBI and the PC, x x x we find resemblances but no stark and distinguishing difference. The slight dissimilarities do not indicate forgery for these are natural, expected and inevitable variations in genuine signatures made by one and the same

person. x x x.” [8]

The CA relied on the validity of the Deed of Sale, because it was notarized. Moreover, Francisca Ciriaco, during her lifetime, never protested the building of the church in 1936. Her nonchalant attitude towards the “intrusion” on the subject property was likewise displayed by her husband and her sister who was the administrator/caretaker of her properties.

Hence, this recourse. [9]

The Issues

In their Memorandum, [10] petitioners raise the following issues:

“Whether in reversing the new Decision of the RTC dated September 20, 1994 and in rendering the questioned Decision dated January 29, 1999 and the questioned Resolution dated September 7, 1999, the Court of Appeals departed from the usual and accepted course of judicial proceedings and disregarded precedents and rulings of the Supreme Court, particularly - -

“I. Whether the Court of Appeals defied the rule that findings of the trial court are conclusive on the appellate court when the Court of Appeals overturned the trial court’s finding of forgery despite the fact that the trial court was in a better position to resolve the issue of forgery and despite the fact that the evidence showing forgery is un rebutted, overwhelming and preponderant.

“II. Whether the Court of Appeals disregarded the rule of preponderance of evidence applicable in civil cases.” [11]

This Court’s Ruling

The Petition is not meritorious.

First Issue: **No Finding of Forgery**

Petitioners claim that the CA erred when it disregarded the factual findings of the RTC which had given weight, credibility and reliability to the handwriting experts from both the NBI and the PC. These experts had declared the signatures of Francisca Ciriaco and Nicanor Teodoro in the 1936 Deed of Sale as forgeries.

We clarify. As a rule, this Court accords great weight and respect, sometimes even finality, to findings of fact of trial courts, especially when affirmed by the CA. However, where the factual findings of the courts *a quo* are contrary to each other, this Court may intervene to resolve the conflict. [12]

The reliance of appellate tribunals on the factual findings of the trial court is based on the postulate that the latter had firsthand opportunity to hear the witnesses and