

## THIRD DIVISION

[ G.R. No. 206240, May 12, 2021 ]

**JOSEFINA Q. VILORIA, FELICITAS F. QUEJADO, HEIRS OF REMEDIOS Q. GAERLAN, NAMELY: BIENVENIDO B. GAERLAN, KATHLEEN DEANNA G. SALAYOG, KAREN G. LEWIS, BIENVENIDO GAERLAN, JR., MANUEL KING GAERLAN, AND RONALD GAERLAN, HEIRS OF BENJAMIN F. QUEJADO, NAMELY: EDNA S. QUEJADO, JONATHAN S. QUEJADO, ALLAN S. QUEJADO, AND PAMELA S. QUEJADO, HEIRS OF DEMETRIO F. QUEJADO, NAMELY: ANGELITA V. QUEJADO, KATHRINA ANGELICA Q. ESTRADA, OLGA DYAN Q. GARCIA, AND DEXTER JORDAN V. QUEJADO, PETITIONERS, VS. HEIRS OF PABLO GAETOS, NAMELY: HERMILINA G. GAETOS, HEIRS OF JUSTINIANO GAETOS, NAMELY: ZENAIDA G. ABAGAM, OFELIA G. BUNGAY, ESTRELLA G. CATBAGAN, VIRGILIA G. LABSON, REMEDIOS G. ADRIANO, ELVIE G. NAGMA, EDUVEJES G. VALDRIZ, ALFREDO Y. GAETOS, CATALINA GAETOS, BENEDICT GAETOS, JASON GAETOS AND HEIRS OF EUDOXIA GAETOS-SUBIDO AND HEIRS OF GALICANO GAETOS, ALL REPRESENTED BY MILDRED MADAYAG, RESPONDENTS.**

### D E C I S I O N

**Hernando, J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> assails the February 19, 2013 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 95433, which denied petitioners' appeal on the February 26, 2010 Decision<sup>[3]</sup> of the Regional Trial Court (RTC) of San Fernando City, La Union, Branch 28 in Civil Case No. 4557. The trial court dismissed herein petitioners' complaint for Quieting of Title with Damages against the respondents.

#### **Factual Antecedents:**

Josefina Quejado-Viloria, Remedios Quejado-Gaerlan (Remedios), Benjamin F. Quejado, Demetrio F. Quejado (Demetrio) and Felicitas F. Quejado filed before the trial court a complaint<sup>[4]</sup> for Quieting of Title with Damages. They claimed ownership over a 10,000-square meter lot located in Taboc, San Juan, La Union (subject property), having inherited the subject property from their predecessor-in-interest who had openly, publicly, continuously and peacefully possessed the same without interruption for more than 30 years in the concept of an owner.<sup>[5]</sup>

The Quejados alleged that the heirs of Segunda Gaetos, Pablo and Salome Gaetos and Justiniano Gaetos, and the children of Francisco Gaetos surreptitiously and without their knowledge and consent caused the subject property to be surveyed for the purpose of claiming ownership. Their acts disturbed and put a cloud on their

ownership, possession, and title over the subject property. Efforts toward amicable settlement between parties were exerted before the barangay council but failed.<sup>[6]</sup>

The Gaetos heirs denied the allegations of the heirs of Quejado. They insisted that the Quejados were not the owners of the subject property. They maintained that the Gaetos family owned the property in dispute by virtue of succession from a common ancestor several years before World War II. The subject property was later surveyed through cadastral survey of San Juan, La Union and partitioned as follows:<sup>[7]</sup>

Lot No. 1429, with an area of 1,678 sq. m., Constantino Gaetos; Lot No. 1430, with an area of 1,112 sq.m., Juan Aman; Lot No. 1431, with an area of 1,844 sq. m., Pablo Gaetos; and Lot No. 1432, with an area of 2,824 sq. m., Salome Gaetos<sup>[8]</sup>

The heirs of Eudoxia Gaetos and Galiciano Gaetos, represented by Mildred Madayag, intervened in the case alleging that they were co-owners of the property in issue.<sup>[9]</sup>

Trial ensued.

The Quejado heirs presented testimonial evidence pointing to their ownership and possession of the subject property.

Demetrio and Remedios testified that upon the demise of their parents, they took over the possession of the subject property which was surrounded as follows: North-Chan Family; South-Adelina Paredes; East-Segundo Gaetos; and West-China Sea. To fortify the veracity of their claim of ownership over the land, they also averred that their mother mortgaged the subject property on several occasions with various banks.<sup>[10]</sup>

The testimonies of Eulogia Catbagan (Eulogia) and Vicente Laurea, Sr. (Vicente), a tenant and a neighbor, respectively, were also presented. They both acknowledged the ownership of the Quejados over the subject property. Eulogia attested its "sandy" state while Vicente claimed that his brother was a tenant of the subject property. Pieces of documentary evidence, like the mortgages and their cancellation and Tax Declaration Nos. 13457 and 15859 under the name of Demetrio and Remedios' mother, were presented to support their claim of ownership.<sup>[11]</sup>

On the other hand, the heirs of Gaetos adduced the testimony of Isabelo Laurea (Isabelo), who testified that the subject property was near his place and its original owner was the grandfather of Francisco Gaetos. The first tenant of the subject property was Teodoro Laurea, his grandfather, who was succeeded by Cosme Laurea and then his father, Laureano Laurea. The tenancy was later passed on to Isabelo. The subject property was bounded as follows: North-brother of Francisco Gaetos; South-daughter of Edis Agbunag; East-national road; West-sea. He also knew that the husband of Carmen Fernandez bought a land previously owned by Mariano Padua located in the east of the national road. Meanwhile, the house of Carmen Fernandez was located at a distance of 100 meters from his own place but not within the subject property.<sup>[12]</sup>

Teresita Ganaden (Teresita), granddaughter of Francisco Gaetos, also testified. She recalled that the subject property was originally owned by Leon Gaetos and

Praxedes Pascua, who had six children, namely: Eudoxia, Galiciano, Francisco, Francisca, Feliza, and Raymunda, who were already deceased when the case was instituted. She likewise presented the San Juan, La Union Cadastre Cad 739-D to show that the subject property was partitioned among the six children of Leon and Praxedes Gaetos. Eudoxia acquired the northern portion (Lot 1434); the middle portions were allotted to Galicano (Lot 1433); Francisco was given Lot 1432; Feliza received Lot 1431; Raymunda had Lot 1430; and Francisca got the southern portion or Lot 1429. To bolster their claim, Teresita also presented receipts of expropriation payments for the properties ordered expropriated by the Court of First Instance of La Union, including the decision in the said case involving the subject property. The properties, as apportioned, were subsequently transferred to individual persons, as evidenced by current tax declarations in their names presented before the court.<sup>[13]</sup>

### **Ruling of the Regional Trial Court:**

After trial, the trial court rendered its February 26, 2010 Decision,<sup>[14]</sup> finding no merit in the complaint of the Quejados. The dispositive portion of the judgment reads:

WHEREFORE, in light of the foregoing premises, this court finds preponderance of evidence to be in favor of the defendants and judgment is hereby rendered dismissing the complaint for Quieting of Title with Damages.

SO ORDERED.<sup>[15]</sup>

The trial court found that the evidence of the Quejados did not convincingly establish that they possessed the property publicly, exclusively, and peacefully in the concept of owners. The trial court also noted that they did not have the requisite title to pursue an action for quieting of title.

Aggrieved, the heirs of Quejado assailed the trial court's judgment before the appellate court.

### **Ruling of the Court of Appeals:**

The appellate court denied petitioners' appeal.<sup>[16]</sup> The dispositive portion of its February 19, 2013 Decision reads:

**WHEREFORE**, in view of the foregoing, the appeal is **DENIED**. Consequently, the Decision dated 26 February 2010 is hereby **AFFIRMED in toto**.<sup>[17]</sup>

The appellate court rejected petitioners' appeal on the ground that they failed to prove their title over the subject property and that the tax declarations under the name of their deceased mother, coupled with their allegations of possession of the subject property, did not suffice to substantiate their claims. Thus, there was no reason to overturn the trial court's ruling.<sup>[18]</sup>

Undaunted, the petitioners elevated the case before Us raising the sole issue:

A. WHETHER THE COURT OF APPEALS COMMITTED SERIOUS ERROR OF LAW AND ACTED IN A MANNER NOT IN ACCORD WITH THE APPLICABLE DECISIONS OF THIS HONORABLE COURT IN HOLDING THAT "PLAINTIFF-APPELLANTS FAILED TO PROVE THAT THEY HAVE EITHER LEGAL OR BENEFICIAL TITLE TO INSTITUTE THE ACTION TO QUIET TITLE AGAINST DEFENDANTSAPPELLEES."<sup>[19]</sup>

### **Petitioners' Arguments:**

Petitioners argue in their Petition for Review on *Certiorari*<sup>[20]</sup> that the appellate court seriously erred in declaring that they have not proven their legal or beneficial title to institute the action to quiet title against the respondents despite the evidence that they have presented. They allege that the uncontroverted tax declarations under the name of their deceased mother support their claim of ownership. Their failure to declare the subject property in their names for taxation purposes does not destroy their title over it.<sup>[21]</sup>

Moreover, the fact that the subject property had been mortgaged by their predecessors-in-interest in favor of several banks proves their ownership, considering that it is standard practice for banks to investigate the identity of the owner of the real property being offered as a collateral. The banks' approval of mortgages of the subject property under the name of their predecessors-in-interest points to the veracity of their claim of ownership. Furthermore, respondents' pieces of evidence did not show their actual possession over the subject property, which thus belies their claim of ownership. The testimonial evidence presented by the Gaetos, particularly as regards the location, identity, and description of the subject property, clearly negates their claim of ownership. Lastly, the cadastral plan and the tax declarations presented by respondents are not conclusive proof of their ownership over the subject property.<sup>[22]</sup>

### **Respondents' Arguments:**

The respondents, in their Comment,<sup>[23]</sup> are urging for the outright dismissal of the petition in view of its defective Verification and Certification against Forum Shopping. They point out that not all the petitioners signed the verification and certification against forum shopping. In addition, the petition raised purely factual matters which were already passed upon by the appellate court.<sup>[24]</sup>

Even brushing aside technical infirmities, the respondents also aver that petitioners' appeal should nonetheless be denied for they failed to establish by preponderance of evidence their superior, legal, and substantive right over the property in dispute. The pieces of evidence they presented, including the tax declarations under the name of their mother, do not prove ownership and title over the subject property. They stress that both the trial court and the appellate court arrived at the same conclusion, which should no longer be disturbed.<sup>[25]</sup>

### **Our Ruling**

The petition is denied.

**Consequence  
of a  
defective  
Verification  
and  
Certificate of  
Non-Forum  
Shopping.**

The petition's Verification/Certification on Non-Forum Shopping<sup>[26]</sup> was not signed by all the parties therein. This defect was duly admitted by the petitioners' in their Reply.<sup>[27]</sup> However, they argue that such was not fatal nor was it jurisdictional as to affect their present appeal.<sup>[28]</sup>

We agree. *Altres v. Empleo*<sup>[29]</sup> laid down the following guidelines with respect to noncompliance with the requirements on or submission of a defective verification and certification against forum shopping:

- 1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.
- 2) **As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective.** The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.
- 3) **Verification is deemed substantially complied with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification,** and when matters alleged in the petition have been made in good faith or are true and correct.
- 4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons."
- 5) **The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in**