

FIRST DIVISION

[G.R. No. 224414, February 26, 2020]

**GEORGE AGCAOILI^{*}, PETITIONER, VS. ELMER MATA,
RESPONDENT.**

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This Petition for Review assails the following issuances of the Court of Appeals in CA-G.R. CV No. 95215 entitled "*Elmer Mata, Plaintiff-Appellee, v. George Agcaoili, Bonifacio Morales, Rolando Paulo, Nathaniel flores, Alan Keane Ancheta, and Celia Edu, Defendants-Appellants*:"

- 1) Decision^[1] dated June 10, 2014, affirming the following disposition of the Regional Trial Court (RTC), Branch 19, Bangui, Ilocos Norte, in Civil Case No. 838-19, viz.:

WHEREFORE, in view of the foregoing, judgment is hereby rendered:

1. Declaring null and void and of no force and effect the following documents:

- A. Declaration Of the Status Of Real Estate Property of Lot No. 17566 Cad-738-D of the Pagudpud Cadastre.

- B. The Subdivision Plan of Lot No. 17566, Cad-738-D of the Pagudpud Cadastre.

- C. Tax Declaration Nos. 97-008-01287, 97-008-01286, 97-008-01285 in the name of George Agcaoili, Tax Decl. No. 97-008-01281 in the name of Bonifacio Morales, Tax Decl. No. 97-008-01279 in the name of Rolando Paulo, Tax Decl. Nos. 97-008-01277 and 97-008-01276 in the name of Nathaniel Flores, and Tax Decl. No. 97-008-01280 in the name of Alan Keane Ancheta.

2. Ordering the partition of the land in suit between the compulsory heirs of the late Spouses Pedro Mata, Sr. and Josefina B. Mata namely the late Elmer B. Mata/ his representative and the late Pedro Mata, Jr./representatives in equal share after payment of debts.

3. Ordering the Office of the Municipal Assessor of Pagudpud, Ilocos Norte and the Register of Deeds of Ilocos Norte to nullify Tax Declaration Nos. 97-008-01287, 97-008-01286, 97-008-01285 in the name of George Agcaoili, Tax Decl. No. 97-008-01281 in the name of Bonifacio Morales, Tax Decl. No. 97-008-01279 in the name [of] Rolando Paulo, Tax Decl. Nos. 97-008-01277 and 97-008-01276 in the name of Nathaniel Flores, Tax Decl. No. 97-008-01280 in the name of Alan Keane Ancheta and restore Tax Declaration No. 006585, in the name [of] Josefina B. Mata.

4. Ordering the heirs of Pedro Mata, Jr. to vacate the 18,000 square meters portion of the land in suit fraudulently declared in his name.

No pronouncement as to costs.

SO ORDERED.^[2]

2) Resolution^[3] dated April 25, 2016, denying petitioner George Agcaoili's motion for reconsideration.

Proceedings before the Trial Court

Respondent Elmer Mata filed a complaint for annulment of documents, partition and damages against petitioner George Agcaoili, Bonifacio Morales, Rolando Paulo, Nathaniel Flores, Alan Keane Ancheta, and Celia Edu.

In his Complaint dated December 3, 2005, respondent essentially alleged:

In his lifetime, Justo Mata owned a parcel of land located at Caunayan, Pagudpud, Ilocos Norte, and covered by Tax Declaration No. 016771. It was particularly described:^[4]

"Pasto and Unirrigated Rice Land consisting of an area of 6,500 and 7,500 respectively and bounded on the North by Francisco Abadilla on the East by Monte, on the South by Tomas Peralta and on the West by Playa del Mar"^[5]

On May 14, 1944, Justo Mata sold the lot to Spouses Pedro Mata, Sr. and Josefina B. Mata via a deed of absolute sale. Pedro and Josefina had two (2) children, respondent and Pedro Mata, Jr. Pedro Mata, Sr. died on July 11, 1950. On May 16, 1954, the widowed Josefina Mata married Emilio Agcaoili. Josefina and Emilio died without any children.^[6]

When Spouses Josefina and Emilio were still alive, the lot was surreptitiously declared in their names without his (respondent) knowledge and they used the lot as collateral for their purchase of a rifle.^[7]

In 2001, petitioner George Agcaoili, Bonifacio Morales, Rolando Paulo, Nathaniel Flores, Alan Keane Ancheta, and Celia Edu surreptitiously and fraudulently subdivided the lot, also without respondent's knowledge and permission. Too, the

respective signatures of Josefina and Emilio did not appear on the subdivision plan. Further, the foreshore portion of the lot, measuring 18,000 square meters, was solely declared in the name of Pedro Mata, Jr.. Petitioners fraudulently secured for themselves the following tax declarations: 1) Nos. 97-008-01287, 97-008-01286, and 97-008-01285, for petitioner George Agcaoili; 2) No. 97-008-01281, for Bonifacio Morales; 3) No. 97-008-01279, for Rolando Paulo; 4) Nos. 97-008-01277 and 97-008-01276, for Nathaniel Flores; 5) No. 97-008-01280, for Alan Keane Ancheta; and 6) Nos. 97-008-01293, 97-008-01292 and 97-008-01291, for the Heirs of Tomas Peralta.^[8]

To protect his inheritance comprising half of the lot, he (respondent) prayed that the subdivision plan and all tax declarations in the name of petitioner George Agcaoili, Bonifacio Morales, Rolando Paulo, Nathaniel Flores, Alan Keane Ancheta and Heirs of Tomas Peralta be declared void. He also prayed for attorney's fees, moral damages, and exemplary damages.^[9]

Respondent died on December 6, 2007 and was substituted by his heirs.^[10]

In his answer, petitioner George Agcaoili basically averred:

Spouses Josefina and Emilio had openly, continuously, exclusively, and notoriously occupied the lot for more than thirty (30) years. The Declaration of Status of Real Property, which respondent himself signed, showed the division/distribution of the land. There, respondent, his brother Pedro Mata, Jr., and petitioner George Agcaoili decided to terminate their co-ownership and divided the lot among themselves. The foreshore lot measuring 18,000 square meters was under the name of Pedro Mata, Jr. The foreshore land though did not form part of the lot that they had divided. Respondent was bound by the subdivision plan which he himself signed.^[11]

Petitioner George Agcaoili later testified that he was the biological son of Pedro Mata, Jr. but was legally adopted by Spouses Emilio and Josefina Agcaoili.^[12]

In their answer, Rolando Paulo and Nathaniel Flores averred, in the main:

Rolando was a crew member while Nathaniel was the geodetic engineer of the team that was hired to survey and subdivide the lot. In exchange for their financial support and professional services, Josefina conveyed the lot covered by T.D. No. 97-008-01279 to Rolando Paulo and the lots covered by T.D. Nos. 97-008-01277 and 97-008-01276 to Nathaniel Flores.^[13]

Through his own answer, Bonifacio Morales admitted he was issued T.D. No. 97-008-01281 covering Lot No. 17566-D. He denied that fraud tainted the subdivision of the lot and the subsequent issuance of the tax declaration, Josefina conveyed the portion of the lot to him in consideration of the financial assistance he extended her and the professional services he rendered in the subdivision of the lot and transfer of the shares under the Declaration of Status of Real Estate Property.^[14]

On February 20, 2006, Allan Keane Ancheta and Celia Edu were declared in default for their failure to file their respective answers.^[15]

Ruling of the Trial Court

After due proceedings, RTC-Branch 19, Bangui, Ilocos Norte, rendered its Decision^[16] dated May 14, 2010, granting the complaint for nullification of documents and partition of property. Its pertinent portions read:

After a careful examination of the testimonial and documentary evidence adduced by both parties, it appears to the Court that:

That the subject property is a conjugal property of the late spouses Pedro Mata, Sr. and Josefina B. Mata.

That the Declaration Of The Status Of Real Estate Property of Lot No. 17566, Cad-738-D of the Pagudpud Cadastre and the Subdivision Plan are invalid. Consequently, the subsequent transfer by Josefina B. Mata to defendants George Agcaoili, Bonifacio Morales, Rolando Paulo, Nathaniel Flores, and Alan Keane Ancheta are invalid, hence, conferring no rights upon the transferees under the principle of *nemo dat quod non habet*.

That the western portion containing an area of 18,076 square meters as being claimed by Pedro B. Mata, Jr. is part of the subject lot hereof. Lot 17566, Cad-738-D as contained in the report of the DENR representative in the name of Alberto Baguio.^[17]

The RTC declared void the following documents: a) Declaration Of the Status Of Real Estate Property of Lot No. 17566 Cad-738-D of the Pagudpud Cadastre; b) the Subdivision Plan of Lot No. 17566, Cad-738-D of the Pagudpud Cadastre; c) T.D. Nos. 97-008-01287, 97-008-01286, 97-008-01285 (George Agcaoili), T. D. No. 97-008-01281 (Bonifacio Morales), T.D. No. 97-008-01279 (Rolando Paulo), T.D. Nos. 97-008-01277 and 97-008-01276 (Nathaniel Flores), and T.D. No. 97-008-01280 (Alan Keane Ancheta).

Further, the RTC ordered the: 1) partition of the lot among the compulsory heirs of the late Spouses Pedro Mata, Sr. and Josefina Mata, namely, the late Elmer Mata or his representatives and the late Pedro Mata, Jr. and his representatives, in equal shares after payment of debts; 2) Office of the Municipal Assessor of Pagudpud, Ilocos Norte and the Register of Deeds of Ilocos Norte to nullify T.D. Nos. 97-008-01287, 97-008-01286, 97-008-01285 in the name of George Agcaoili, T.D. No. 97-008-01281 in the name of Bonifacio Morales, T.D. No. 97-008-01279 in the name of Rolando Paulo, T.D. Nos. 97-008-01277 and 97-008-01276 in the name of Nathaniel Flores, T.D. No. 97-008-01280 in the name of Alan Keane Ancheta and restore T.D. No. 006585, in the name of Josefina B. Mata; and 3) Heirs of Pedro Mata, Jr. to vacate the 18,000 square meters portion of the lot which was fraudulently declared in Pedro Mata, Jr.'s name.

Proceedings before the Court of Appeals

Petitioner and the other defendants separately appealed. Petitioner George Agcaoili essentially argued that the trial court erred in ordering the partition of the lot in equal shares only between respondent Elmer Mata and the deceased Pedro Mata, Jr., excluding himself. He was the adopted son of Spouses Josefina and Emilio Agcaoili, thus, he has a vested right in the lot, as well.^[18]

Meanwhile, Bonifacio Morales, Rolando Paulo and Nathaniel Flores uniformly argued that Josefina Mata validly conveyed to them their respective shares in exchange for the financial and professional assistance they extended her in the lot survey.^[19]