

SECOND DIVISION

[G.R. No. 214649, February 26, 2020]

CHRISTOPHER I. DALIDA,^[*] PETITIONER, VS. CONCEPCION BOHOL-ZENONI,^[] RESPONDENT.**

DECISION

REYES, J. JR., J.:

The Case

This is a petition for review on *certiorari* under Rule 45 of the Revised Rules of Court, dated November 7, 2014, assailing the Decision^[1] and Resolution^[2] of the Court of Appeals (CA) in CA G.R. CV No. 02980, respectively dated April 19, 2013 and August 12, 2014, which reversed the Decision dated October 31, 2008 of the Regional Trial Court (RTC) of Maasin City, Southern Leyte, Branch 24 in a case for partition, quieting of title and damages.

The Facts

The spouses Concordio and Melitona Dalida owned parcels of land in Sitio Masonting, Barangay San Jose, Malitbog, Southern Leyte, which are covered by Tax Declaration Nos. 6727, 6728, and 6729.^[3] In 1983, Melitona had the parcels surveyed and consolidated.^[4] In that same year, she was issued an Original Certificate of Title (OCT), which designated the consolidated parcels as Lot No. 416.^[5]

When the spouses Dalida passed away, the lots were inherited by their children: Justiniano, Santos, and Morita. On November 21, 1988 and May 12, 1989, respectively, Santos and Morita sold their 1/3 share in the parcels covered by Tax Declaration Nos. 6728 and 6729 to Concepcion BoholZenoni (Concepcion).^[6] Pursuant to these transactions, on April 28, 1995, Justiniano and Concepcion partitioned Lot No. 416 between them, with Concepcion getting 2/3 of the lot and Justiniano getting 1/3.^[7] In the meantime, both Morita and Santos passed away.^[8]

Not satisfied with the partition, Santos' heirs filed a Complaint^[9] for partition and/or quieting of title and damages before the Municipal Circuit Trial Court (MCTC) of Malitbog. During pre-trial, the MCTC ordered a survey of the property and appointed commissioners for the purpose.^[10] The results of the survey were submitted to the MCTC and approved in the pretrial order dated May 21, 1996.^[11] Subsequently, Justiniano switched sides and made common cause with his brother's heirs.^[12] The complaint was amended accordingly.^[13]

On February 6, 1997, the MCTC issued an Order^[14] forwarding the case to the RTC of Maasin City, on the strength of jurisprudence holding that jurisdiction over actions

for partition and quieting of title lay with the RTC. On March 26, 1997, the Maasin City RTC issued an Order^[15] acknowledging the error of the MCTC but nevertheless accepting the forwarded records and considering the case properly filed before it. Concepcion filed a motion to dismiss, arguing that the proper course of action was to dismiss the case and re-file it with the RTC, because the proper docket fees were not paid.^[16] The RTC denied the motion but ordered the payment of the proper docket fees.^[17] By this time, Justiniano had passed away and was substituted by his heirs.^[18] The RTC sought to settle the dispute, to no avail.^[19] Instead, a second survey of the disputed lots was conducted.^[20] On October 16, 2001, the Commissioner's Report^[21] containing the results of the second survey was approved by the RTC.^[22] Pre-trial was then terminated and both sides presented their evidence.

On November 9, 2006, the heirs of Justiniano^[23] and Santos^[24] (the Dalida heirs) filed a Second Amended Complaint^[25] alleging that, per the October 16, 2001 Commissioner's Report, the Property Index Map, and the Property Control Roll of the Southern Leyte Provincial Assessor, Lot No.416 covered by Melitona's OCT was subdivided into Lot Nos. 416-A and 416-B; that Lot No. 416-A corresponds to Tax Declaration No. 6727, Lot No. 416-B corresponds to Tax Declaration No. 6728; and that the parcel covered by Tax Declaration No. 6729 is part of a different lot named Lot No. 441. They likewise alleged that the sale transactions between their ascendants and Concepcion only included the parcels covered by Tax Declaration Nos. 6728 and 6729; and that Concepcion remained in actual possession of the parcels covered by Tax Declaration Nos. 6727 and 6728, thus depriving them of their right to enjoy and receive their rightful shares in said lots.

In response, Concepcion argued that the RTC had no jurisdiction over the case for the assessed value of the lots is below the jurisdictional amounts under the law; that the Dalida heirs had no capacity to sue; and that the Dalida heirs were estopped from questioning the partition.

Ruling of the Trial Court

On October 31, 2008, the RTC rendered a Decision^[26] in favor of the Dalida heirs. It adjudged the parcel covered by Tax Declaration No. 6727 to the Dalida heirs; and the parcels covered by Tax Declaration Nos. 6728 and 6729 to Concepcion (with 2/3 share) and Justiniano's heirs (with 1/3 share). The RTC also revoked the 1995 partition agreement.

In so ruling, the RTC gave credence to the allegations of the Dalida heirs, finding that they were able to establish by preponderance of evidence, through the October 16, 2001 Commissioner's Report, the History of Properties, and the Property Identification Map, that Lot No. 416 is a consolidation of the parcels covered by Tax Declaration Nos. 6727 and 6728. The trial court noted that Lot No. 416-A is a 1/3 portion of Lot No. 416 which is 12,648 square meters in area, and in the possession of plaintiff Desamparada Dalida; while Lot No. 416-B is a 2/3 portion of Lot No. 416 which is 25,296 square meters in area, and was in the possession of Concepcion; and the parcel of land covered by Tax Declaration No. 6729 is part of two different lots named Lot No. 441 and Lot No. 462 with an area of 7,065 square meters. In ruling that the sale to Concepcion covered the lots in Tax Declaration Nos. 6728 and

6729, the RTC gave greater weight to the Deeds of Sale presented by the plaintiffs over the bare testimony of Concepcion.

Her motion for reconsideration^[27] having been denied,^[28] Concepcion appealed to the CA, which rendered the assailed Decision and Resolution granting the appeal and dismissing the complaint of the Dalida heirs.

Ruling of the CA

In granting the appeal, the CA invoked the rule that in an action to recover real property, the plaintiff is required to clearly identify the land sought to be recovered. It held that the Dalida heirs were unable to do so. According to the appellate court, the Second Amended Complaint of the Dalida heirs states that under the Commissioner's Report, Property Index Map, and the Property Control Roll of the Southern Leyte Provincial Assessor, the Dalida heirs identified Lot No. 416-A, but failed to prove that this lot corresponds to Tax Declaration No. 6727. On the contrary, the Property Identification Map submitted in evidence shows that Lot No. 416-A is covered by Tax Declaration No. 6728 and not by Tax Declaration No. 6727.

The Dalida heirs filed a motion for reconsideration, which the CA denied via the assailed Resolution; hence this petition, which seeks the remand of the case to the trial court for the purpose of allowing the parties to submit a survey plan approved by the Land Management Bureau, that harmonizes with the Property Index Map and Tax Map Control Roll issued by the Malitbog Municipal Assessor's office.

Our Ruling

Petitions for review under Rule 45 are limited to questions of law.^[29] Thus, factual findings of the CA, when supported by substantial evidence, are binding upon this Court,^[30] for the simple reason that the CA is still a trial court, while this Court is not a trier of facts.^[31] However, such rule does not apply when the findings of the appellate court conflict with those of the trial court.^[32]

The Dalida heirs alleged in their Second Amended Complaint before the RTC that: 1) they were the owners of the parcels covered by Tax Declaration Nos. 6727, 6728, and 6729; 2) that the parcel of land under Tax Declaration No. 6727 corresponds to Cadastral Lot No. 416-A, while the parcel of land under Tax Declaration No. 6728 corresponds to Cadastral Lot No. 416-B per the October 15, 2001 Commissioner's Report, the Property Index Map, and the Property Control Roll of the Southern Leyte Provincial Assessor; and 3) that the parcels covered by Tax Declaration Nos. 6727 and 6728 form part of one consolidated lot denominated as Cadastral Lot No. 416, which is covered by the Torrens title issued in the name of Melitona Dalida.^[33]

To ascertain the veracity of these allegations, both the MCTC and the RTC appointed commissioners to determine the location of the parcels covered by Tax Declaration Nos. 6727, 6728, and 6729. In the MCTC, the appointed commissioners were Engr. Vivencio Jumawid from the City Environment and Natural Resources Office of Maasin City, Pocholo Sala from the Malitbog Municipal Assessor's Office, and Sofronio Manatad, Jr., the MCTC interpreter; while the RTC appointed Engr. Conrado Galeon (a private land surveyor), Engr. Val Jess Abar (from the Southern Leyte Environment and Natural Resources Office), Pocholo Sala, and Melvin Dublan from the Southern Leyte Provincial Assessor's Office.