

FIRST DIVISION

[G.R. No. 224572, August 27, 2020]

**SPOUSES ROMEO ANASTACIO, SR. AND NORMA T. ANASTACIO,
PETITIONERS, VS. HEIRS OF THE LATE SPOUSES JUAN F.
COLOMA AND JULIANA PARAZO, RESPONDENTS.**

RESOLUTION

CAGUIOA, J:

Before the Court is the Petition for Review^[1] (Petition) under Rule 45 of the Rules of Court filed by petitioners Spouses Romeo Anastacio, Sr. and Norma T. Anastacio (petitioners) assailing the Decision^[2] dated April 21, 2015 (Decision) and Resolution^[3] dated May 10, 2016 of the Court of Appeals^[4] in CA-G.R. CV No. 99619. The CA Decision granted the appeal of the Heirs of the Late Spouses Juan F. Coloma (Juan) and Juliana Parazo (Juliana) as well as reversed and set aside the Decision^[5] dated September 11, 2012 rendered by the Regional Trial Court of Camiling, Tarlac, Branch 68 (RTC) in Civil Case No. 08-09, which dismissed the Complaint for Annulment of Document, Recovery of Ownership and Possession with Prayer for Writ of Preliminary Injunction. The CA Resolution denied petitioners' motion for reconsideration.

The Facts and Antecedent Proceedings

The CA Decision narrates the factual antecedents as follows:

The case involves a dispute over a parcel of land [(subject property)] consisting of [19,247] square meters situated in San Jose, Tarlac. Title to the subject property, particularly Transfer Certificate of Title [(TCT)] No. 56899 of the Registry of Deeds of Tarlac, shows [Juan] as the registered owner thereof since [January 14, 1965], with the certificate of title likewise carried the inscription of his marriage to [Juliana]. Both Juan and Juliana are now deceased, leaving x x x Rudy P. Coloma and Marcela C. Reyes [(respondents)] as their legitimate heirs.

According to [respondents], the subject property is under the possession of [petitioners] by mere tolerance of their parents. Thus, upon the demise of their parents, [respondents] demanded the surrender of its possession. However, [petitioners] refused, which led to the filing of a case for Recovery of Possession and Title against them before the Municipal Circuit Trial Court [(MCTC)] of Sta. Ignacia, Tarlac, docketed as Civil Case No. 645-SJ (07).

In their Answer before the MCTC, [petitioners] claimed right of ownership over the subject property by virtue of an alleged Deed of Absolute Sale dated [October 7, 2004^[6]] executed by Juan during his lifetime. On

account of such claim of ownership, the MCTC dismissed the said case, without prejudice to the filing of the subject complaint with the proper court.

Later on, [respondents] filed the Complaint before the [RTC], this time for Annulment of Document, Recovery of Ownership and Possession with Prayer for Writ of Preliminary injunction, claiming that the Deed of Absolute Sale allegedly executed by their father in favor of [petitioners] is void on two x x x grounds. First, that the signature of their father, Juan, as appearing thereon is a forgery; and second, that there is no conformity or consent given by their mother, Juliana, to the alleged sale.

Answering, [petitioners] maintained the same theory as in the earlier MCTC case against them: that they are owners of the [subject] property by virtue of the subject Deed of Absolute Sale dated [October 7, 2004] executed by Juan. Further, they maintained that x x x they have paid Juan [P100,000.00] as first payment in 2003 and [P260,000.00] upon execution of the said Deed of Absolute Sale, apart from the [P100,000.00] they spent as expenses for the wake and burial of Juan. [Petitioners] also claimed that the consent of Juliana was not necessary to effect a valid sale since the subject property was the sole property of Juan, having inherited the same from his paternal ancestors and the spouses had long been separated from bed [and board].

A Pre-Trial Order dated [March 6, 2009] was issued by the [RTC] summarizing the stipulations made by the contending parties, to wit:

x x x x

1. That [Juan] died on August 26, 2006;
2. That [Juliana] died on August 17, 2006;
3. That the subject property was registered by [Juan] married to [Juliana] in 1965;
4. That the subject property was registered during the lifetime of the spouses [Juan and Juliana].

x x x x

Thereafter, trial on the merits ensued.

In support of their claims, [respondents] presented, among others, a handwriting expert, PO3 Leslie Ramales, who testified that the questioned signature of Juan as appearing on the Deed of Absolute Sale and the latter's standard signatures, were not written by one and the same person.

On the other hand, [petitioners] harped on the alleged separation from bed and board of Juan and Juliana and presented Juan's alleged paramour since 1978, Carmelita Palma [(Palma)]. Said witness testified

that during the lifetime of Juan, [he] mortgaged, and subsequently sold the subject property to [petitioners] via [a] Deed of Absolu[t]e Sale. [Petitioner] Romeo Anastacio also took the stand and confirmed the testimony of Palma, that the subject property was mortgaged to him by Juan in 2003 for [P100,000.00]] and thereafter, sold the same property to him in 2004 for [P260.000.00].

The [RTC] on [September 11, 2012] issued [its] Decision x x x, ruling in favor of [petitioners], stating that the evidence on record failed to establish the alleged falsification of the Deed of Absolute Sale. The [RTC] likewise ruled that the subject property was the exclusive property of Juan, thus, did not require the consent of h[is] wife, Juliana. [The dispositive portion of the RTC Decision states:

WHEREFORE, premises considered, the above-entitled case is hereby Dismissed.

SO ORDERED.^[7]

Respondents appealed to the CA.

Ruling of the CA

In the Decision dated April 21, 2015, the CA found the appeal meritorious.^[8] The CA, from its examination of the documentary evidence submitted, observed that "it is plainly apparent that the questioned signature of Juan x x x in the Deed of Absolute Sale is utterly dissimilar from his customary signatures appearing on the Catulagan Panggep Ti Salda^[9] and the Voter Registration Record, leading [the CA] to agree with the handwriting expert that the signatures of [Juan] were not made by one and the same person and likewise, to believe that [Juan's] signature is a forgery."^[10]

The CA also ruled that the RTC erred in concluding that the subject property was owned exclusively by Juan and could be sold without the consent of his legal wife, Juliana.^[11] The CA based its ruling on the following: (1) aside from the self-serving claims of petitioners, no other evidence was presented to prove that the subject property was Juan's exclusive property; (2) based on the stipulations of the parties, the subject property was registered in the name of Juan and Juliana in 1965 and during their lifetime, which makes the property presumably conjugal; (3) Juan acquired ownership of the subject property, not by succession, but by virtue of a sale in his favor by a certain Laurelio Valeté (Valeté) during the subsistence of his marriage with Juliana as evidenced by the inscription on both TCT No. 56899 and the source title, TCT No. 53369, that the latter was being cancelled by virtue of the sale made by Valeté in favor of Juan.^[12] The CA concluded that the Deed of Absolute Sale between petitioners and Juan is void and of no legal effect.^[13]

As to petitioners' claim that they made several payments to Juan for the alleged sale of the subject property, the CA found that the handwritten breakdown of the alleged payments, which was not even dated and did not bear the signature of Juan, was not a credible evidence.^[14] Even on the assumption that petitioners indeed made the said payments to Juan, the CA citing *Fuentes v. Roca*,^[15] ruled that petitioners

were not entitled to the return of the amounts paid because only buyers in good faith are allowed recovery of the payments made by the buyers of a land sold without the consent of the deceased seller's spouse, chargeable against the latter's estate upon a finding that the buyers were in good faith; and in this case, petitioners were not buyers in good faith because, being aware that Juan and Juliana were separated from bed and board, they should have been cautious to look into the authority of Juan to sell the subject property.^[16]

The dispositive portion of the CA Decision states:

WHEREFORE, IN VIEW OF THE FOREGOING, the appeal is **GRANTED** and the assailed Decision issued by the court *a quo* is hereby **REVERSED AND SET ASIDE**.

Accordingly, judgment is hereby rendered as follows:

1. Declaring the Deed of Absolute Sale dated [October 7, 2004] null and void;
2. Ordering [petitioners] to surrender TCT No. 56899 of the Registry of Deeds of Tarlac to [respondents];
3. Ordering [petitioners], their successors-in-interest, heirs or assignees, to vacate and restore possession of the subject property covered by TCT No. 56899 of the Registry of Deeds of Tarlac to [respondents];
4. Ordering [petitioners] to pay the costs of the suit.

SO ORDERED.^[17]

Petitioners filed a motion for reconsideration, which the CA denied in its Resolution^[18] dated May 10, 2016.

Hence, the instant Petition. Respondents filed a Comment to the Petition^[19] while petitioners filed a Reply to Respondents' Comment.^[20]

The Issues

The Petition states the following issues to be resolved:

1. Whether the CA erred when it declared Juan's signature in the Deed of Absolute Sale dated October 7, 2004 (DAS) a forgery.
2. Whether the CA erred in declaring that the DAS does not carry the presumption of regularity in its notarization and execution.
3. Whether the CA erred in declaring that the subject property is the conjugal property of the late spouses Juan and Juliana.
4. Whether the CA erred in declaring that petitioners were not in good faith in acquiring the subject property from Juan.^[21]