

THIRD DIVISION

[G.R. No. 214319, November 04, 2020]

MYRNA C. PASCO, PETITIONER, VS. ISABEL CUENCA, ROMEO M. YTANG, JR., AND ESTHER C. YTANG, RESPONDENTS.

DECISION

INTING, J.:

This is a Petition for Review on *Certiorari*^[1] filed under Rule 45 of the Rules of Court assailing the Decision^[2] dated August 27, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 02386-MIN.

The Antecedents

At the core of the controversy is a parcel of land; Lot No. 38-B, situated in the Municipality of Katipunan, Province of Zamboanga del Norte with an area of 336 square meters, formerly registered in the names of Spouses Antonio Baguispas (Antonio) and Isabel Cuenca-Baguispas (Isabel) (collectively, Spouses Baguispas) under Transfer Certificate of Title (TCT) No. T-12461.^[3]

On September 9, 1999, Myrna Pasco (petitioner) filed with Branch 6, Regional Trial Court (RTC), Dipolog City, a complaint for annulment of TCT, annulment of deed of sale, recovery of ownership and damages against Isabel and Spouses Romeo M. Ytang, Jr. and Esther C. Ytang (Spouses Ytang) (collectively, respondents) docketed as Civil Case No. 5437.^[4]

Petitioner alleged that: (a) sometime in June 1986, the Spouses Baguispas offered to sell Lot No. 38-B to her for P50,000.00, to which she agreed; (b) pursuant to their agreement, the Spouses Baguispas executed a Deed of Sale of Real Property dated July 1, 1986 in her favor, which was duly notarized; (c) on March 3, 1987, Antonio died leaving no compulsory heir except his wife, Isabel; (d) on June 8, 1988, more than one year after Antonio's death, Isabel executed an affidavit of self-adjudication, conveying unto herself Lot No. 38-B; (e) without petitioner's knowledge, Isabel surreptitiously caused the transfer of title over Lot No. 38-B to her name and thereafter, sold the subject property to the Spouses Ytang, as evidenced by a Deed of Absolute Sale (DOAS) of a registered land dated May 8, 1998; and (f) consequently, Lot No. 38-B was registered under respondents' names in TCT No. T-62536.^[5]

Thus, in her complaint, petitioner prayed that TCT No. T-62536 be cancelled for being spurious and the affidavit of self-adjudication and the DOAS dated May 8, 1998 executed by Isabel in favor of the Spouses Ytang be declared null and void.^[6]

In their answer, respondents alleged that the sale of Lot No. 38-B to petitioner was

fictitious and simulated as it was not supported by any consideration. According to them, the Spouses Baguispas only executed the Deed of Sale of Real Property dated July 1, 1986 in favor of petitioner for the purpose of showing the deed to the Social Security System (SSS) as collateral for the grant of the latter's loan application. Isabel later requested petitioner to execute a deed of conveyance of the subject property to her, but the latter refused saying that the deed of sale had no force and effect anyway.^[7]

Ruling of the RTC

On May 31, 2010, the RTC rendered judgment in favor of petitioner as follows:

WHEREFORE, IN VIEW OF THE FOREGOING, *by preponderance of evidence*, the Court hereby finds for the plaintiff (herein appellee). Judgment is hereby rendered:

- 1) declaring aforesaid TCT No. T-62536 issued in the name of Romeo Ytang, married to Esther Colot (herein appellants) as null and void, as well as the Absolute Deed of Sale of A Registered Land executed on May 8, 1998 by defendant Isabel Cuenca in favor of the vendee Romeo Ytang;
- 2) declaring the plaintiff as the lawful owner of the house and lot identified as Lot 38-B situated in Katipunan, Zamboanga del Norte, with an area of 336 square meters and now covered by the aforesaid TCT No. T-62536;
- 3) directing the Register of Deeds of Zamboanga del Norte to reinstate TCT No. T-12461 issued in the name of spouses Antonio Baguispas and Isabel Caenca and annotate thereon, in the event plaintiff shall cause the registration, the Deed of Sale of Real Estate dated July 1, 1986 executed in her favor by the spouses Antonio Baguispas and Isabel Cuenca.

No costs.

IT IS SO ORDERED.^[8]

The RTC ruled that there was a valid sale between the Spouses Baguispas and petitioner. Accordingly, it rejected respondents' contention that the sale was simulated.^[9]

Respondents moved for reconsideration, but the RTC denied it for lack of merit.^[10] Dissatisfied with the RTC ruling, respondents filed an appeal with the CA.

Ruling of the CA

In the Decision^[11] dated August 27, 2014, the CA reversed and set aside the RTC Decision. It held that: *first*, the deed of sale between the Spouses Baguispas and petitioner is void *ab initio* for lack of consideration; *second*, the sale is void under Article 1471^[12] of the Civil Code of the Philippines (Civil Code) considering that the price is simulated; and *third*, the parties had no intention of binding themselves at

all to the sale.^[13]

The CA observed that after the execution of the deed of sale on July 1, 1986 until the filing of the complaint with the RTC on September 9, 1999, petitioner never attempted in any manner to assert her ownership over the property in question. Such failure is a clear badge of simulation that renders the whole transaction void.^[14] Thus, the CA declared the subsequent sale between Isabel and the Spouses Ytang as valid.^[15]

Hence, this petition.

Proceedings before the Court

In a Resolution^[16] dated January 28, 2015, the Court directed petitioner to submit, among others, proof of authority of Atty. Senen O. Angeles (Atty. Angeles), petitioner's counsel, to sign the verification of the petition/certification on non-forum shopping for and in behalf of petitioner.

In a Compliance and Manifestation^[17] dated June 1, 2015, Atty. Angeles alleged that petitioner had already died on August 19, 2011 at the Zante Medical Center in Dipolog City and her estate subject of the litigation has been under the possession of her heirs, represented by Emma P. Saile (Saile). He claimed that the present petition was filed in good faith by the heirs of petitioner, in the belief that they would be affected directly by the outcome of the case.^[18] Atty. Angeles also submitted a Letter of Authority^[19] dated September 20, 2014, signed by Saile, authorizing him to file a petition for review before the Court and to sign the verification/certification of non-forum shopping and all other documents necessary for the filing thereof.

In their Comment,^[20] respondents argued that the counsel of petitioner has not shown any valid authority to commence the petition, and he cannot sign the verification as he has no personal knowledge of the facts of the case. Moreover, they averred that the petition is bereft of any direct citation to the evidence on record as required by the rules.^[21]

In a Resolution^[22] dated July 5, 2016, the Court directed Atty. Angeles to show cause why he should not be disciplinarily dealt with or held in contempt for having failed to file a reply, and to submit the required reply.

In a Manifestation and Explanation^[23] dated November 7, 2016, Atty. Angeles, through counsel, stated that the non-filing of the reply was not intended to defy any order or resolution of the Court. He claimed that despite his earnest effort, his clients, as represented by Saile, refused to come to his office, showing their lack of interest to prosecute the case. Hence, he prays that the submission of a reply be considered waived and that the instant case be resolved based on the pleadings already submitted.^[24]

Thus, in a Resolution^[25] dated April 25, 2018, the Court resolved to dispense with

the filing of petitioner's reply.

The Issue

Whether the CA erred in ruling that the Deed of Sale of Real Property dated July 1, 1986 is null and void for lack of consideration and lack of intent by the parties to be bound by the deed of sale.^[26]

The Court's Ruling

At the outset, it bears stressing that a petition for review under Rule 45 is limited only to questions of law.^[27] Thus, the Court will not entertain questions of fact as it is not the Court's function to analyze or weigh all over again the evidence already considered by the court *a quo*.^[28] Although this rule is not absolute, the present petition failed to show why the exceptions^[29] should be applied here. It is well settled that mere assertion that the case falls under the exceptions does not suffice.^[30]

*Atty. Angeles
had no
authority to
file the present
petition in
petitioner's
behalf.*

The rule is that upon the death of a party, his or her counsel has no further authority to appear, save to inform the court the fact of his or her client's death and to take steps to safeguard the decedent's interest, *unless* his or her services are further retained by the substitute parties.^[31] It is the counsel's duty to give the names and addresses of the legal heirs of the deceased and submit as far as practicable the latter's Death Certificate.^[32] "This is the *only* representation that a counsel can undertake after his client's death as the fact of death essentially terminates the lawyer-client relationship that they had with each other."^[33]

Here, it appears that Atty. Angeles had no authority to file the present petition with the Court considering that: *first*, his lawyer-client relationship with petitioner was necessarily terminated upon the latter's death on August 19, 2011,^[34] or almost four years prior to the promulgation of the assailed CA Decision; and *second*, the records show that Atty. Angeles was only given authority by the heirs of petitioner, represented by Saile, to file the petition *after* the Court required him to submit proof that he was indeed authorized to sign the verification/certification of non-forum shopping in petitioner's behalf.^[35] Worse, it was only at this point during the pendency of the case that Atty. Angeles notified the Court of petitioner's death.

In other words, Atty. Angeles filed the present petition in behalf of his dead client, who clearly had no personality to institute the appeal, or be represented by an attorney,^[36] and without the authority of his client's legal representative/s or heirs. Thus, the petition should be denied on the ground of Atty. Angeles' lack of authority to file the petition and to sign the verification/certification of non-forum shopping in