

SECOND DIVISION

[G.R. No. 217611, March 27, 2019]

ROGELIO LOGROSA, PETITIONER, VS. SPOUSES CLEOFE AND CESAR AZARES, SPOUSES ABUNDIO, JR. AND ANTONIETA TORRES, SPOUSES NELSON SALA AND ARLENE ANG, AND SPOUSES BONIFACIO, JR., AND WELHELMINA BARUIZ, RESPONDENTS.

DECISION

CAGUIOA, J:

Before the Court is a Petition for Review on *Certiorari*^[1] (Petition) under Rule 45 of the Rules of Court filed by petitioner Rogelio Logrosa (petitioner Logrosa) against respondents Spouses Cleofe Azares (Cleofe) and Cesar Azares (Cesar) (collectively, respondents Sps. Azares), Spouses Abundio Torres, Jr. (Abundio) and Antonieta Dumagan Torres (Antonieta) (collectively, respondents Sps. Torres), Spouses Nelson Sala (Nelson) and Arlene Ang (Arlene) (collectively, respondents Sps. Sala), and Spouses Bonifacio Baruiiz, Jr. (Bonifacio) and Welhelmina Baruiiz (Welhelmina) (collectively, respondents Sps. Baruiiz), assailing the Decision^[2] dated July 30, 2014 (assailed Decision) and Resolution^[3] dated February 26, 2015 (assailed Resolution) promulgated by the Court of Appeals - Cagayan de Oro City (CA), Special Twenty-First Division and Former Special Twenty-First Division, respectively, in CA-G.R. CV No. 02878-MIN.

The Facts and Antecedent Proceedings

As narrated by the CA in its assailed Decision, and as culled from the records of the case, the essential facts and antecedent proceedings of the instant case are as follows:

The facts, as summarized by the [Regional Trial Court of Tagum City, Davao del Norte, Branch 30 (RTC)], are as follows:

In his verified complaint [for partition filed before the RTC, docketed as Civil Case No. 4026, petitioner Logrosa] alleged that he, together with the [respondents] are co-owners of eight (8) parcels of lands [(subject properties)], all situated in [the] Municipality of Tagum (now Tagum City), Davao del Norte, and more particularly described under the following Transfer Certificates of Titles (TCT), to wit: TCT No. T-52508, ^[4] TCT No. T-52509, ^[5] TCT No. T-52510, ^[6] TCT No. T-52511, ^[7] TCT No. T-52512, ^[8] TCT No. T-52513, ^[9] TCT No. T-52514, ^[10] and TCT No. T-52515. ^[11] [The aforementioned TCTs all indicate that petitioner Logrosa, together with the respondents, are co-owners of the subject properties.]

[Petitioner Logrosa alleged that in 1987, the original owner of the subject properties, one Benjamin A. Gonzales (Gonzales), sold the subject properties collectively to petitioner Logrosa and the other respondents. The records show that a notarized Deed of Absolute Sale^[12] dated April 14, 1987 was executed by the parties, bearing the signatures of Gonzales, petitioner Logrosa, respondents Cleofe, Nelson, Bonifacio, and Abundio.]
^[13]

[Petitioner Logrosa likewise] claimed that the aforementioned titles were issued to the parties herein on May 19, 1987, hence the co-ownership over the aforementioned properties had already existed for more than ten (10) years, without the parties having entered into [any] subsequent agreement to keep the above-said properties undivided. He anchored his complaint on Article 494 of the New Civil Code of the Philippines which provides:

"No co-owner shall be obliged to remain in the co-ownership. Each co-owner may demand a[t] any time the partition of the thing owned in common, insofar as his share is concerned. [x x x]"

Summoned to plead, only [respondents Sps. Azares] filed their Answer to the complaint, and opposed [petitioner Logrosa's] prayer for partition.

[Respondents Sps. Torres], as well as [respondent Welhelmina], respectively filed a manifestation and declared that they are not filing an answer to the complaint and that they interpose no objection to the partition of the properties subject of this case. On the other hand, [respondents Sps. Sala] did not file any answer.

Answering [respondents Sps. Azares] contended that while it may be true that [petitioner Logrosa's] name appeared in the titles of the properties aforementioned, however, they belied [petitioner Logrosa's] claim that he is a co-owner of the same, as he never contributed as to its acquisition and never contributed for their maintenance, much less paid the taxes due thereon.

Answering [respondents Sps. Azares] further alleged that sometime in 1985, [petitioner Logrosa], being their cousin, used to work for them as their trusted laborer together with the other [respondents] at their gold mining tunnel in Mt. Diwata, Diwalwal, Monkayo. [Petitioner Logrosa], being young and inadequately schooled, was sent to school at the expense of the answering [respondents Sps. Azares]. They also allowed [petitioner Logrosa] to construct his house at Nova Tierra, Lanang, Davao City upon condition that [petitioner

Logrosa] would pay and reimburse them for all his expenses thereto when [petitioner Logrosa's] finances allow.

Sometime in 1986, answering [respondents Sps. Azares] purchased all the properties subject of this case to provide one place for all the parties herein to live near each other for easy access and mutual security. [Petitioner Logrosa] and the other [respondents] have not contributed to their acquisition. As time went by, [petitioner Logrosa] and the other [respondents] turned hostile against the answering [respondents Sps. Azares].

During trial, [petitioner Logrosa] testified in court to support his claim. He likewise presented to the witness stand [respondent Antonieta] to identify the document in connection with the acquisition of the aforementioned properties.

Answering [respondents Sps. Azares] presented only one (1) witness, in the person of [respondent] Cesar Azares who debunked the claims of [petitioner Logrosa], asserting that he did not make [petitioner Logrosa] and the other [respondents] as co-owners of the properties subject of this case. [Respondent Cesar] further claimed that [petitioner Logrosa] as well as the other [respondents] had no capacity to acquire the said properties way back to the time the properties were purchased as they were only his employees in his mining business in Mt. Diwata, Diwalwal, Monkayo.

After trial, the RTC dismissed the complaint for lack of merit [in its Decision^[14] dated February 27, 2012.]

Hence, [petitioner Logrosa appealed the RTC's Decision before the CA, alleging, in the main, that the RTC erred in holding that there is no co-ownership that exists between petitioner Logrosa and respondents Sps. Azares.]^[15]

The Ruling of the CA

In its assailed Decision, the CA denied petitioner Logrosa's appeal. The dispositive portion of the assailed Decision of the CA reads:

WHEREFORE, premises considered, the instant appeal is **DENIED**. The Decision dated February 27, 2012 of the Regional Trial Court, 11th Judicial Region, Branch 30, Tagum City, Davao del Norte, in Civil Case No. 4026, is **AFFIRMED**.

SO ORDERED.^[16]

In the assailed Decision, the CA held that "after a careful scrutiny of the records, the [CA] finds that the evidence adduced by [petitioner Logrosa] were insufficient to warrant a positive finding of co-ownership."^[17]

Petitioner Logrosa filed a Motion for Reconsideration^[18] dated August 22, 2014, which was denied by the CA in its assailed Resolution dated February 26, 2015.

Hence, the instant Petition.

Respondents Sps. Azares filed their Comment^[19] dated July 17, 2017, to which petitioner Logrosa responded with a Reply^[20] dated November 29, 2017.

Issue

The central question to be resolved by the Court is whether the CA was correct in upholding the RTC's Decision dated February 27, 2012, which dismissed petitioner Logrosa's complaint for partition because of its finding that the latter is not a co-owner and is a mere trustee of the subject properties.

The Court's Ruling

The instant Petition is meritorious.

After a careful review of the records of the instant case, the Court finds that the evidence on record sufficiently substantiates petitioner Logrosa's claim that he is a co-owner of the subject properties.

The Court notes that petitioner Logrosa does not rely merely on his own testimony to prove that he is a co-owner of the subject properties. No one disputes the fact that there are **eight certificates of title**, *i.e.*, TCT No. T-52508,^[21] TCT No. T-52509,^[22] TCT No. T-52510,^[23] TCT No. T-52511,^[24] TCT No. T-52512,^[25] TCT No. T-52513,^[26] TCT No. T-52514,^[27] and TCT No. T-52515,^[28] **all of which clearly and unequivocally identify petitioner Logrosa as one of the co-owners of the subject properties.**

It is a fundamental principle in land registration that **the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein.**^[29] It becomes the **best proof of ownership of a parcel of land.** Such principle of indefeasibility has long been well-settled in this jurisdiction and it is only when the acquisition of the title is attended with fraud or bad faith that the doctrine finds no application.^[30] In the instant case, there is no accusation whatsoever that petitioner Logrosa was included as co-owner in the TCTs through means of fraud or bad faith.

Aside from the foregoing, it is also not disputed by any party that a **duly notarized Deed of Absolute Sale dated April 14, 1987** was executed by all the parties, wherein it clearly states without ambiguity that one of the vendees of the subject properties is petitioner Logrosa. It must be stressed that respondents Sps. Azares do not deny whatsoever that petitioner Logrosa is a co-vendee under the Deed of Absolute Sale. In fact, respondent Cleofe was even a co-signatory of the said Deed of Absolute Sale, evidencing her assent and consent to petitioner Logrosa's status as a co-vendee of the subject properties.

The Court has previously held that a document evidencing a sale transaction, such

as a deed of sale, which is duly notarized is considered a public document and therefore enjoys the presumption of validity as to its authenticity and due execution. [31] Section 23, Rule 132 of the Rules of Court likewise state that public documents are *prima facie* evidence of the fact which gave rise to their execution.

Moreover, as held in *Heirs of Santiago v. Heirs of Santiago*, [32] one's assertion of ownership is further strengthened and buttressed by the fact of possession, *i.e.*, by building and occupying a house on the subject lot, coupled with the lack of opposition of such possession on the part of the other parties. [33] In the instant case, it is not disputed that petitioner Logrosa possesses a portion of the subject property with no opposition by the other parties, aside from respondents Sps. Azares, who disclaimed petitioner Logrosa's status as co-owner **only after more than two decades since the execution of the Deed of Absolute Sale, and only as a mere reaction to the Complaint for Partition filed by petitioner Logrosa.**

Hence, with the strong legal presumption created by the eight certificates of title and duly notarized Deed of Absolute Sale that petitioner Logrosa is a co-buyer and co-owner of the subject properties, the burden to prove otherwise was shifted to respondents Sps. Azares.

From the evidence on record, the Court finds that respondents Sps. Azares have not successfully hurdled this burden.

To controvert the strong legal presumption in favor of petitioner Logrosa's co-ownership over the subject properties, respondents Sps. Azares can only muster the sole testimony of respondent Cesar. A solitary, self-serving testimony cannot successfully overturn petitioner Logrosa's *prima facie* status as co-owner brought about by the execution of a notarized Deed of Absolute Sale and the issuance of the certificates of title.

It is the main contention of respondents Sps. Azares that despite the inclusion in the documents of title of petitioner Logrosa and the other parties, *i.e.*, respondents Sps. Torres, Sala, and Baruiz, the latter are only co-owners on paper and that respondents Sps. Azares are the sole buyers of the subject properties. According to respondents Sps. Azares, the sole reason why they included the other parties in the documents of title is "to provide one place for all the parties herein to live near each other for easy access and mutual security." [34]

First and foremost, respondent Cesar's testimony is self-serving. The self-serving testimony of a party to an instrument cannot be given more weight and reliability than the contents of such instrument, especially if such instrument enjoys presumptive weight. [35]

Further, the Court finds respondents Sps. Azares' theory perplexing and contrary to ordinary human experience. Assuming *arguendo* that respondents Sps. Azares are indeed the true sole owners of the subject properties, there was absolutely no need for them to include the other parties in the documents of title if only to allow the latter to stay within the premises of the subject properties.

In other words, if respondents Sps. Azares' mere motivation was to provide one