

FIRST DIVISION

[G.R. No. 194189, September 14, 2017]

RAFAEL ALMEDA, EMERLINA ALMEDA-LIRIO, ALODIA ALMEDA-TAN, LETICIA ALMEDA-MAGNO, NORMA ALMEDA-MATIAS AND PUBLIO TIBI, PETITIONERS, VS. HEIRS OF PONCIANO ALMEDA IN SUBSTITUTION OF ORIGINAL DEFENDANT PONCIANO ALMEDA, INTESTATE ESTATE OF SPOUSES PONCIANO AND EUFEMIA PEREZ-ALMEDA AND THE REGISTER OF DEEDS OF TAGAYTAY CITY, RESPONDENTS,

CESAR SANTOS, ROSANA SANTOS, NORMAN SANTOS AND FERDINAND SANTOS, UNWILLING PLAINTIFFS/PETITIONERS.

DECISION

TIJAM, J.:

This Petition for Review on *Certiorari*^[1] assails the May 25, 2010 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 86953, denying Rafael Almeda (Rafael), Emerlina Almeda-Lirio (Emerlina), Alodia Almeda-Tan (Alodia), Leticia Almeda-Magno (Leticia), Norma Almeda-Matias (Norma) and Publio Tibi's (Publio) (collectively, the petitioners) appeal from the Order^[3] dated September 2, 2004 of the Regional Trial Court (RTC) of Tagaytay City, Branch 18, in Civil Case No. TG-1643, which dismissed their Complaint for Nullity of Contracts, Partition of Properties and Reconveyance of Title with Damages, and the CA Resolution^[4] dated October 13, 2010 denying petitioners' Motion for Reconsideration.

The Facts

Spouses Venancio Almeda (Venancio) and Leonila Laurel-Almeda (Leonila) were the parents of nine children: Ponciano L. Almeda (Ponciano), Rafael, Emerlina, Alodia, Leticia, Norma, Benjamin Almeda and Severina Almeda-Santos (Severina) and Rosalina Almeda-Tibi (Rosalina), Publio's deceased wife.^[5]

On May 19, 1976, a Power of Attorney^[6] was executed by Venancio and Leonila, who were then 80 and 81 years old respectively,^[7] granting Ponciano, among others, the authority to sell the parcels of land covered by Original Certificate of Title (OCT) Nos. O-197 and O-443 of the Office of the Register of Deeds for Tagaytay City, which Leonila inherited^[8] from her parents.

OCT Nos. O-197 and O-443 were registered in the name of "Leonila L. Almeda married to Venancio Almeda." OCT No. O-197^[9] embraced four (4) parcels of land with an aggregate area of 95,205 square meters more or less, to wit: Lot 10 (48,512 sq m), Lot 17 (37,931 sq m), Lot 30 (8,047 sq m) and Lot 32 (715 sq m);

and OCT No. O-443^[10] covered Lot 9 measuring 33,946 sq m, more or less.

Venancio died at the age of 90 on February 27, 1985; Leonila died eight years later on April 3, 1993, aged 97.^[11] Within the year of Leonila's death on April 17, 1993,^[12] Rafael, Emerlina, Alodia, Leticia and Norma filed a notice of adverse claim with the Register of Deeds of Tagaytay City over their parents' properties.^[13]

On October 10, 1996, a Complaint for Nullity of Contracts, Partition of Properties and Reconveyance of Titles with Damages,^[14] docketed as Civil Case No. TG-1643, was filed before the RTC of Tagaytay City by the petitioners against Ponciano and his wife Eufemia Perez Almeda (Eufemia) and the Register of Deeds of Tagaytay City, with Severina's surviving spouse, Cesar Santos and children, Rosana, Norman and Ferdinand, as unwilling plaintiffs.^[15] Petitioners alleged that the parties were the only heirs of the late spouses Venancio and Leonila who died without leaving any will and without any legal obligation.^[16]

In support of their Complaint, petitioners claimed that Ponciano, taking advantage of his being the eldest child and his close relationship with their parents, caused the simulation and forgery of the following documents:^[17]

(1) Deed of Absolute Sale dated June 9, 1976, over Lot 30 under OCT No. O-197, executed by Ponciano as Venancio and Leonila's attorney-in-fact, in favor of Julian Y. Pabiloña, Virginia Go, Gemma Tan Ongking, Arthur C. Chua and Lee Hiong Wee (Pabiloña, et al.), for the price of P160,940.00;^[18] and

(2) Deed of Absolute Sale dated October 3, 1978, executed by Venancio and Leonila in favor of Ponciano, over the remaining lots under OCT No. O-197 and Lot 9 under OCT No. O-443, and over Lots 6, 4 and 9-A with a total area 71,520 sq m which then had no technical description, for the total consideration of P704,243.77.^[19]

By virtue of the aforesaid Deeds of Absolute Sale, OCT Nos. O-197 and O-443 were cancelled, the former with respect only to Lots 10 and 17. Resultantly, Transfer Certificate of Title (TCT) Nos. T-15125, T-24806, T-24807, T-24808 and T-24809,^[20] all of the Registry of Deeds for Tagaytay City, were issued to Ponciano,^[21] while TCT No. T-10330 of the same Registry^[22] was issued to Julian Y. Pabiloña, Virginia Go, Gemma Tan Ongking, Arthur C. Chua and Lee Hiong Wee.^[23]

According to petitioners, their parents did not sign the October 3, 1978 Deed of Absolute Sale (1978 Deed) in favor of Ponciano and their signatures may have been forged. They also averred that their parents did not receive due consideration for the transaction, and if Ponciano succeeded in making them sign said 1978 Deed, they did so without knowledge of its import. Petitioners, however, would not claim rights and interest legally transferred to third parties.^[24]

Petitioners further alleged that Ponciano withheld from them the existence of the 1978 Deed in his favor, and when they learned of it and demanded partition, Ponciano merely promised to cause the same at a proper time. When petitioners could no longer wait, they filed their notice of adverse claim with the Register of Deeds.^[25]

Petitioners, thus, prayed that the 1978 Deed in favor of Ponciano be declared null and void; that OCT No. O-197 be partitioned among the heirs of Venancio and Leonila; that the derivative titles obtained by Ponciano under his name be reconveyed to petitioners; that the Register of Deeds for Tagaytay City be ordered to cancel said derivative titles and to restore title to the property in the name of Venancio and Leonila; that the unwilling plaintiffs be ordered to share in the expenses of the suit; and that Ponciano and his wife be ordered to pay moral and exemplary damages, attorney's fees and the costs of litigation.^[26]

In their Answer,^[27] Ponciano and his wife, Eufemia, denied that the 1978 Deed was simulated or forged, asserting its genuineness and execution for valuable consideration from which some of the petitioners, including Rafael, received substantial pecuniary benefits. They asserted that Ponciano no longer participated in the division of the estate of Venancio and Leonila whose assets amounted to millions of pesos. They accused petitioners of not coming to court with clean hands, claiming the latter may have themselves resorted to falsification of documents to transfer said assets in their names and subsequently to other persons. Ponciano and Eufemia also averred that petitioners were guilty of laches.

Ponciano died on October 16, 1997 and was substituted by his wife and children.^[28]

Petitioners presented the lone testimony of Emerlina.^[29] After Ponciano's heirs/substitutes (private respondents) failed to present their evidence despite several opportunities given them, the RTC considered the case submitted for decision.^[30]

In the course of the trial, two other documents figured in the dispute, which petitioners likewise impugned, showing:

(1) an Agreement to Sell^[31] dated November 9, 1976 whereby Venancio and Leonila agreed to sell to Ponciano the parcels of land covered by OCT Nos. O-197 and O-443, as well as Lots 6, 4 and 9-A, for the total price of P1 Million with P200,000.00 as down payment and the balance payable in one year without interest; and

(2) a Deed of Sale with Mortgage^[32] (Deed with Mortgage) dated November 11, 1977, which expressly superseded the Agreement to Sell dated November 9, 1976, whereby Venancio and Leonila sold to Ponciano the parcels of land covered by OCT Nos. O-197 and O-443, as well as Lots 6, 4 and 9-A, for P1 Million, with the payment of the P700,000.00 balance secured by the said properties. This Deed with Mortgage was expressly superseded by the 1978 Deed in favor of Ponciano.

On September 2, 2004, the RTC issued an Order^[33] dismissing petitioners' complaint. The dispositive portion of the order reads:

WHEREFORE, premises considered, the same is hereby ordered
DISMISSED.

SO ORDERED.^[34]

The RTC held that the questioned documents, having been notarized and executed in the presence of two instrumental witnesses, enjoy the presumption of regularity, and petitioners failed to overcome this presumption by clear and convincing evidence. It stressed that petitioners failed to present any proof of simulation or forgery of the subject documents.

In an Order^[35] dated November 29, 2005, the RTC denied petitioners' Motion for Reconsideration.

Petitioners brought the case to the CA on appeal which was denied in the assailed Decision^[36] dated May 25, 2010, the dispositive portion of which reads:

IN VIEW OF ALL THESE, the Appeal is **DENIED**. The Order *a quo* is **AFFIRMED**.

SO ORDERED.^[37]

The CA held that petitioners failed to discharge their burden of proving the purported forgery with clear and convincing evidence. The CA stressed that such evidence was especially needed in this case given that the assailed documents, being notarized, enjoy the presumption of regularity and of due execution and authenticity. The CA noted that petitioners merely relied on Emerlina's testimony that the questioned signatures were forged.^[38]

The CA further stressed that mere variance in the genuine and disputed signatures is not proof of forgery.^[39] To establish forgery, said the appellate court, presentation of documents bearing the genuine signatures of Venancio and Leonila was required, for comparison with the alleged false signatures.^[40] The CA held that petitioners' failure to submit such documents was fatal as it was necessary for petitioners to show not only the material differences between the signatures, but also (1) the extent, kind and significance of the variation; (2) that the variation was due to the operation of a different personality and not merely an expected and inevitable variation found in the genuine writing of the same writer; and (3) that the resemblance was the result of a more or less skillful imitation and not merely a habitual and characteristic resemblance which naturally appears in a genuine

writing.^[41]

Petitioners' Motion for Reconsideration^[42] was subsequently denied in the Resolution^[43] dated October 13, 2010.

Dissatisfied with the outcome of its appeal, petitioners filed the instant petition, asserting that the CA's ruling was contrary to the evidence, the law and existing jurisprudence.

The Court's Ruling

The petition lacks merit.

Factual findings of the RTC, as affirmed by the CA, deserve a high degree of respect

Well-entrenched is the rule that the Supreme Court's role in a petition under Rule 45 is limited to reviewing or reversing errors of law allegedly committed by the appellate court.^[44] Equally settled is the rule that this Court is not a trier of facts.^[45]

In *Spouses Villaceran, et al. v. De Guzman*,^[46] the Court held that:

The issue of the genuineness of a deed of sale is essentially a question of fact. It is settled that this Court is not duty-bound to analyze and weigh again the evidence considered in the proceedings below. This is especially true where the trial court's factual findings are adopted and affirmed by the CA as in the present case. Factual findings of the trial court, affirmed by the CA, are final and conclusive and may not be reviewed on appeal.^[47]

At any rate, to remove any doubt as to the correctness of the assailed ruling, We have examined the records and, nonetheless, reached the same conclusion.^[48]

Notarized documents enjoy the presumption of regularity

A notarized Deed of Absolute Sale has in its favor the presumption of regularity, and it carries the evidentiary weight conferred upon it with respect to its due execution.^[49] It is admissible in evidence without further proof of its authenticity and is entitled to full faith and credit upon its face.^[50] Thus, a notarial document must be sustained in full force and effect so long as he who impugns it does not present strong, complete and conclusive proof of its falsity or nullity on account of some flaws or defects.^[51]

Absent evidence of falsity so clear, strong and convincing, and not merely