

## FIRST DIVISION

[ G.R. No. 173140, January 11, 2016 ]

**MACTAN CEBU INTERNATIONAL AIRPORT AUTHORITY [MCIAA],  
PETITIONER, VS. HEIRS OF GAVINA IJORDAN, NAMELY, JULIAN  
CUISON, FRANCISCA CUISON, DAMASTNA CUISON, PASTOR  
CUISON, ANGELINA CUISON, MANSUETO CUISON, BONIFACIA  
CUISON, BASILIO CUISON, MOISES CUISON, AND FLORENCIO  
CUISON, RESPONDENTS.**

### DECISION

**BERSAMIN, J.:**

A sale of jointly owned real property by a co-owner without the express authority of the others is unenforceable against the latter, but valid and enforceable against the seller.

#### The Case

This appeal assails the decision promulgated on February 22, 2006 in CA-G.R. CV No. 61509,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed the orders issued by the Regional Trial Court, Branch 53, in Lapu-Lapu City (RTC) on September 2, 1997,<sup>[2]</sup> and March 6, 1998.<sup>[3]</sup>

#### Antecedents

On October 14, 1957, Julian Cuizon (Julian) executed a Deed of Extrajudicial Settlement and Sale<sup>[4]</sup> (Deed) covering Lot No. 4539 (subject lot) situated in Ibo, Municipality of Opon (now Lapu-Lapu City) in favor of the Civil Aeronautics Administration ((CAA), the predecessor-in-interest of petitioner Manila Cebu International Airport Authority (MCIAA). Since then until the present, MCIAA remained in material, continuous, uninterrupted and adverse possession of the subject lot through the CAA, later renamed the Bureau of Air Transportation (BAT), and is presently known as the Air Transportation Office (ATO). The subject lot was transferred and conveyed to MCIAA by virtue of Republic Act No. 6958.

In 1980, the respondents caused the judicial reconstitution of the original certificate of title covering the subject lot (issued by virtue of Decree No. 531167). Consequently, Original Certificate of Title (OCT) No. RO-2431 of the Register of Deeds of Cebu was reconstituted for Lot No. 4539 in the names of the respondents' predecessors-in-interest, namely, Gavina Ijordan, and Julian, Francisca, Damasina, Marciana, Pastor, Angela, Mansueto, Bonifacia, Basilio, Moises and Florencio, all surnamed Cuison.<sup>[5]</sup> The respondents' ownership of the subject lot was evidenced by OCT No. RO-2431. They asserted that they had not sold their shares in the subject lot, and had not authorized Julian to sell their shares to MCIAA's

predecessor-in-interest.<sup>[6]</sup>

The failure of the respondents to surrender the owner's copy of OCT No. RO-2431 prompted MCIAA to sue them for the cancellation of title in the RTC,<sup>[7]</sup> alleging in its complaint that the certificate of title conferred no right in favor of the respondents because the lot had already been sold to the Government in 1957; that the subject lot had then been declared for taxation purposes under Tax Declaration No. 00387 in the name of the BAT; and that by virtue of the Deed, the respondents came under the legal obligation to surrender the certificate of title for cancellation to enable the issuance of a new one in its name.

At the trial, MCIAA presented Romeo Cueva, its legal assistant, as its sole witness who testified that the documents pertaining to the subject lot were the Extrajudicial Settlement and Sale and Tax Declaration No. 00387 in the name of the BAT; and that the subject lot was utilized as part of the expansion of the Mactan Export Processing Zone Authority I.<sup>[8]</sup>

After MCIAA's presentation of evidence, the respondents moved to dismiss the complaint upon the Demurrer to Evidence dated February 3, 1997,<sup>[9]</sup> contending that the Deed and Tax Declaration No. 00387 had no probative value to support MCIAA's cause of action and its prayer for relief. They cited Section 3, Rule 130 of the *Rules of Court* which provided that "when the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself." They argued that what MCIAA submitted was a mere photocopy of the Deed; that even assuming that the Deed was a true reproduction of the original, the sale was unenforceable against them because it was only Julian who had executed the same without obtaining their consent or authority as his co-heirs; that Article 1317 of the *Civil Code* provided that "no one may contract in the name of another without being authorized by the latter, or unless he has by law a right to represent him;" and that the tax declaration had no probative value by virtue of its having been derived from the unenforceable sale.

MCIAA opposed the Demurrer to Evidence in due course.<sup>[10]</sup>

In its order dated September 2, 1997,<sup>[11]</sup> the RTC dismissed MCIAA's complaint insofar as it pertained to the shares of the respondents in Lot No. 4539 but recognized the sale as to the 1/22 share of Julian, disposing as follows:

Wherefore, in the light of the foregoing considerations, defendants' demurrer to evidence is granted with qualification. Consequently, plaintiffs complaint is hereby dismissed insofar as it pertains to defendants' shares of Lot No. 4539, as reflected in Original Certificate of Title No. RO 2431. Plaintiff, however, is hereby declared the owner of 1/22 share of Lot No. 4539. In this connection, the Register of Deeds of Lapu-Lapu City is hereby directed to effect the necessary change in OCT No. RO-2431 by replacing as one of the registered owners, "**Julian Cuizon**, married to **Marcosa Cosef**", with the name of plaintiff. No pronouncement as to costs.

SO ORDERED.<sup>[12]</sup>

The RTC observed that although it appeared from the Deed that vendor Julian was the only heir of the late Pedro Cuizon, thereby adjudicating unto himself the whole of Lot No. 4539, it likewise appeared from the same Deed that the subject lot was covered by Cadastral Case No. 20, and that Decree No. 531167 had been issued on July 29, 1930; that having known that the subject lot had been covered by the decree issued long before the sale took place, the more appropriate thing that MCIAA or its representatives should have done was to check the decreed owners of the lot, instead of merely relying on the tax declaration issued in the name of Pedro Cuizon and on the statement of Julian; that the supposedly uninterrupted possession by MCIAA and its predecessors-in-interest was not sufficiently established, there being no showing of the improvements introduced on the property; and that even assuming that MCIAA had held the material possession of the subject lot, the respondents had remained the registered owners of Lot No. 4539 and could not be prejudiced by prescription.

MCIAA moved for reconsideration,<sup>[13]</sup> but the RTC denied its motion on March 6, 1998.<sup>[14]</sup>

MCIAA appealed to the CA, submitting that:<sup>[15]</sup>

I. THE TRIAL COURT ERRED IN RULING THAT ONLY THE SHARE OF JULIAN CUIZON WAS SOLD TO PLAINTIFF- APPELLANT WAY BACK IN 1957.

II. THE TRIAL COURT ERRED IN DISREGARDING THE UN EXPLAINED, UNREASONABLE AND TEDIOUS INACTION OF DEFENDANT-APPELLEES WHICH CONSTITUTE THEIR IMPLIED RATIFICATION OF THE SALE WHICH THEY CANNOT NOW CONVENIENTLY IMPUGN IN ORDER TO TAKE ADVANTAGE OF THE PHENOMENAL RISE IN LAND VALUES IN MACTAN ISLAND.

III. THE TRIAL COURT ERRED IN RULING THAT PLAINTIFF- APPELLANT HAS NOT PROVEN POSSESSION OVER SAID LOT.

IV. THE TRIAL COURT ERRED IN NOT CONSIDERING MOTO- PROPRIO DEFENDANTS-APPELLEES AS GUILTY OF LACHES AND/OR ESTOPPEL IN THE FACE OF CLEAR EVIDENCE FROM THE VERY FACTS OF THE CASE ITSELF; IT SHOULD BE NOTED, MOREOVER THAT IT WAS PLAINTIFF- APPELLANT WHO INITIATED THE COMPLAINT HENCE THE SAME COULD NOT PROPERLY BE RAISED AS DEFENSES HEREIN BY PLAINTIFF- APPELLANT.

V. THE TRIAL COURT ERRED IN DISREGARDING THE VALID PROVISION OF THE EXTRAJUDICIAL SETTLEMENT AND SALE THAT DEFENDANTS- APPELLEES MERELY HOLD THE TITLE IN TRUST FOR PLAINTIFF- APPELLANT AND ARE THEREFORE. OBLIGATED TO SURRENDER THE SAME TO PLAINTIFF-APPELLANT SO THE TITLE COULD BE TRANSFERRED TO IT AS THE VENDEE WAY BACK IN 1957.