

SECOND DIVISION

[G.R. No. 206220, August 19, 2015]

LUIS UY, SUBSTITUTED BY LYDIA UY VELASQUEZ AND SHIRLEY UY MACARAIG, PETITIONER, VS. SPOUSES JOSE LACSAMANA AND ROSAURA * MENDOZA, SUBSTITUTED BY CORAZON BUENA, RESPONDENTS.

DECISION

CARPIO, J.:

This is a petition for review on certiorari^[1] assailing the Decision dated 14 September 2011^[2] and Resolution dated 1 March 2013^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 93786.

The subject of the litigation involves a parcel of land known as Lot 5506 of the Cadastral Survey of Batangas plan (LRC) SWO-2817, L.R. Case No. N-445, L.R.C. Record No. N-22499. The land, situated in Barrio Alangilan, Batangas City, contains an area of 484 square meters under Transfer Certificate of Title (TCT) No. T-24660.^[4] The land was previously owned by spouses Anastacio Manuel and Mariquita de Villa (Spouses Manuel) under Original Certificate of Title (OCT) No. 0-2840.

On 4 May 1979, petitioner Luis Uy (Uy) filed with the Regional Trial Court (RTC) of Pallocan West, Batangas City, Branch 4, a Complaint^[5] for Declaration of Nullity of Documents with Damages against respondents Petra Rosca (Rosca), and spouses Jose Lacsamana and Rosaura Mendoza (Spouses Lacsamana).

In the Complaint, Uy alleged that he was the lawful husband of Rosca. He stated that they lived together as husband and wife from the time they were married in 1944 until 1973 when they separated and lived apart. Uy and Rosca had eight children.

Uy alleged that on 29 January 1964,^[6] he and his wife acquired a 484 square meter residential land for a consideration of P1,936 evidenced by a Deed of Sale^[7] from the Spouses Manuel. The sellers' OCT No. 0-2840 was cancelled and TCT No. T-24660 was issued in the name of "Petra Rosca, married to Luis G. Uy."

On 15 June 1964, Uy and Rosca allegedly purchased, as evidenced by a Deed of Absolute Sale,^[8] another residential land adjacent to the 484 square meter land from the spouses Felix Contreras and Maxima de Guzman (Spouses Contreras). The second purchase consisted of 215 square meters, as declared under Tax Declaration No. 61724, for a consideration of P700. Thereafter, a split level house with a floor area of 208.50 square meters was constructed on the 484 square meter land.

Uy further alleged that Rosca, in gross and evident bad faith, executed and signed a

false and simulated Deed of Sale^[9] dated 18 April 1979 on the 484 square meter land, together with the house erected thereon, for a consideration of P80,000 in favor of Spouses Lacsamana.

Uy prayed that (1) the Deed of Sale dated 18 April 1979 executed by Rosca in favor of Spouses Lacsamana be declared null and void with respect to his rights, interest, and ownership; (2) that defendants be directed to pay, jointly and severally, to Uy the amounts of P100,000 as moral damages, P10,000 as attorney's fees, P2,000 as expenses incident to litigation, plus costs of suit; (3) upon declaration of the nullity of the Deed of Sale, the Register of Deeds of Batangas City and the City Assessor be directed to register Uy as the sole owner of the real properties; (4) if defendant Spouses Lacsamana are found by the court to be buyers in good faith, Rosca be ordered to turn over to Uy the entire proceeds of sale of the properties and be adjudged to pay the damages; and (5) that the sum of P600,000 taken by Rosca from Uy be collated into the mass of the conjugal partnership properties.

In her Answer with Counterclaim dated 22 May 1979, Rosca denied the allegations of Uy and claimed that she lawfully acquired the subject real properties using her paraphernal funds. Rosca added that she was never married to Uy and prayed for the dismissal of the complaint for lack of merit. In her Counterclaim, Rosca prayed that the court award her (1) P200,000 as moral damages; (2) P100,000 as exemplary damages; (3) P12,000 as attorney's fees; (4) P3,000 as incidental litigation expenses; and (5) costs of suit. Spouses Lacsamana also filed their Answer with Counterclaim dated 21 May 1979 claiming that they were buyers in good faith and for value and that they relied on the Torrens title which stated that Rosca was the owner of the subject property.

In the meantime, Uy questioned the registrability of the Deed of Sale before the Office of the Register of Deeds of Batangas City. The Register of Deeds elevated the matter, on *consulta*,^[10] with the Land Registration Commission (LRC) because of an affidavit subsequently filed by Uy contesting the sale and alleging, among others, that the property was conjugal in nature and sold without his marital consent.

In a Resolution^[11] dated 7 November 1979, the LRC decided in favor of registration stating that since the property in question was registered in Rosca's name, such circumstance indicated that the property belonged to Rosca, as her paraphernal property. The LRC added that litigious matters, such as a protest from the other party based on justifiable and legal grounds, were to be decided not by the Register of Deeds but by a court of competent jurisdiction. The dispositive portion of the Resolution states:

WHEREFORE, this Commission is of the opinion that the subject document should be admitted for registration.

SO ORDERED.^[12]

On 18 February 1981, Uy died.^[13] His two daughters, Lydia Uy Velasquez (Lydia) and Shirley Uy Macaraig (Shirley) substituted him in the case. Fifteen years later or on 10 May 1996, Rosca also died.^[14] Earlier, respondent Jose Lacsamana died on 20

March 1991.^[15]

Meanwhile, on 24 December 1982, Spouses Lacsamana sold the property to Corazon Buena (Buena) through a Deed of Absolute Sale.^[16] Thus, both Rosca and the Spouses Lacsamana were substituted by Buena as respondent in this case.

During the trial, Uy presented the testimonies of his two daughters, Lydia and Shirley, as his own witnesses, as well as Rosca, as an adverse witness.

Lydia testified that the Uy family lived in the house built on the land acquired by Uy and Rosca. She alleged that the house existed until it was demolished by Buena's agent sometime in 2006. Lydia also stated that the funds used to construct the family dwelling came from Uy's business. Shirley corroborated the testimony of Lydia on all material points.

Rosca, on the other hand, testified that sometime before or during World War II, she and Uy cohabited and settled in Batangas. The couple attempted to formalize their marital union with a marriage ceremony. However, the celebration was not consummated because of the bombings which occurred on the day of the ceremony. Likewise, they were unable to secure a marriage contract.

Rosca stated that on 29 January 1964, she alone purchased, as sole vendee, with money coming from her own personal and paraphernal funds, the land covered by OCT No. 0-2840 and owned by Spouses Manuel. Thereafter, on 15 June 1964, she again purchased, using her own personal and paraphernal funds, the land adjacent to the first purchased property owned by Spouses Contreras and covered by Tax Declaration No. 61724. Immediately after, she caused the construction of a split level house on the land using her own paraphernal funds which became their family dwelling.

Rosca alleged that Uy had an affair with another woman and sired children with her which led to their physical separation before the year 1973. On 17 September 1976, Rosca obtained a real estate loan in the amount of P50,000 from Philippine Banking Corporation (PBC) using the house and lot as collateral. In support of this loan, Rosca executed an Affidavit of Ownership^[17] dated 27 September 1976, stating that (1) she was the lawful and sole owner of the 484 square meter land, together with the building erected thereon, and (2) the land was registered under her name and that the phrase "Petra Rosca, married to Luis G. Uy" in TCT No. T-24660 was merely a description of her status.

Defendants offered the testimony of Rosca, Atty. Teodulfo Dequito, Jr., Rosaura Mendoza, and Buena.

Atty. Teodulfo Dequito, Jr. testified that Uy questioned the registrability of the Deed of Sale before the Office of the Register of Deeds of Batangas City. The Register of Deeds elevated the matter on *consulta* with the LRC, which issued a Resolution dated 7 November 1979 recognizing Rosca as the sole registered owner of the property.

Rosaura Mendoza testified that she and her husband purchased, in the amount of P80,000, the 484 square meter property of Rosca on 18 April 1979 through a Deed

of Absolute Sale of House and Lot.^[18] The Registry of Deeds of Batangas City cancelled TCT No. T-24660 and issued TCT No. T-35^[19] in favor of the spouses. Then, Spouses Lacsamana mortgaged the property to PBC for P48,000. Upon full payment of the mortgage debt on 15 April 1982, PBC issued a Release of Real Estate Mortgage.

Buena testified that she purchased the same property under TCT No. T-35 from Spouses Lacsamana on 24 December 1982 for a consideration of P80,000. Consequently, the Registry of Deeds of Batangas City cancelled TCT No. T-35 and issued TCT No. T-3244^[20] in her name. Likewise, the Assessor's Office of Batangas City issued Tax Declaration No. 90210.^[21]

Before the resolution of the case, Shirley and Lydia filed a Motion for Issuance of Preliminary Injunction and/or Temporary Restraining Order. They claimed that Buena entered the property and caused the construction of structures without any court order. Consequently, the RTC issued an Order dated 21 September 2007 granting the preliminary injunction. Thereafter, the case was submitted for resolution.

In a Decision^[22] dated 21 April 2009, the RTC decided the case in favor of respondents. The lower court found that (1) there was no valid marriage between Uy and Rosca; (2) the Deed of Sale executed by Rosca over the house and lot in favor of Spouses Lacsamana was valid; and (3) both parties were not entitled to their respective claims for damages. The dispositive portion of the Decision states:

WHEREFORE, all premises considered, the instant Complaint filed by plaintiff Uy is hereby DISMISSED. The preliminary injunction and bond are cancelled and are rendered of no force and effect. The claims for damages of both parties are hereby DENIED. Cost against both parties.

SO ORDERED.^[23]

Uy filed an appeal^[24] with the CA. In a Decision^[25] dated 14 September 2011, the CA affirmed the ruling of the trial court. The appellate court found that respondents were able to overthrow the presumption of marriage and that the subject property was Rosca's paraphernal property. The appellate court also upheld the validity of the sale. The dispositive portion of the Decision states:

WHEREFORE, the appealed Decision dated April 21, 2009 is AFFIRMED.

SO ORDERED.^[26]

Uy then filed a Motion for Reconsideration which was denied by the appellate court in a Resolution^[27] dated 1 March 2013.

Hence, the instant petition.

The Issue

The main issue for our resolution is whether the Deed of Sale dated 18 April 1979, executed by Rosca alone, without Uy's consent, in favor of Spouses Lacsamana, is valid.

The Court's Ruling

The petition lacks merit.

Uy contends that the Deed of Sale executed by Rosca is not valid for being simulated or fictitious for lack of consideration and consent. Uy states that no proof was presented by Spouses Lacsamana to show that they actually paid P80,000 to Rosca for the purchase of the property. Uy also insists that he did not give his consent to the sale which prejudiced his rights and interest. Uy argues that Rosca did not give physical possession of the house and lot to the alleged buyers. Further, Uy adds, without admitting that the sale is valid, that the consideration paid was unreasonably low and unconscionable such that it constitutes an equitable mortgage. Uy insists that Spouses Lacsamana and Buena cannot be considered buyers in good faith.

Respondents, on the other hand, assert that the contentions of Uy rely on the re-examination and re-evaluation of the evidence of the parties which had previously been passed upon exhaustively by both the trial and appellate courts. Respondents added that only questions of law may be raised under Rule 45. Since the findings of fact of the trial and appellate courts were supported by substantial evidence and none of the recognized exceptions allowing this Court to exercise its power to review is present, then the petition should be dismissed.

We agree with respondents.

The issues raised by Uy had been thoroughly passed upon by the trial and appellate courts. We find no reason to disturb their factual findings. In petitions for review on certiorari as a mode of appeal under Rule 45, like in the present case, a petitioner can raise only questions of law. Here, Uy would like us to review again the factual circumstances surrounding the Deed of Sale executed by Rosca with the Spouses Lacsamana and to declare the Deed of Sale invalid for being simulated due to lack of consideration and consent. Clearly, these are questions of fact which are within the purview of the trial and appellate courts to determine. Also, the issues raised do not come within the purview of the recognized exceptions^[28] for this Court to take cognizance of the case. We have reiterated time and again that this Court is not the proper venue to consider factual issues as it is not a trier of facts.

Here, the main issue in determining the validity of the sale of the property by Rosca alone is anchored on whether Uy and Rosca had a valid marriage. There is a presumption established in our Rules "that a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage."^[29] *Semper praesumitur pro matrimonio* — Always presume marriage.^[30] However, this presumption may be contradicted by a party and overcome by other evidence.

Marriage may be proven by any competent and relevant evidence. In *Pugeda v.*