

SECOND DIVISION

[G.R. No. 185020, October 06, 2010]

FILOMENA R. BENEDICTO, PETITIONER, VS. ANTONIO VILLAFLORES, RESPONDENT.

R E S O L U T I O N

NACHURA, J.:

Petitioner Filomena R. Benedicto (Filomena) appeals by *certiorari* the September 30, 2008 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 80103, which affirmed with modification the decision^[2] dated December 10, 2002 of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 19, in Civil Case No. 674-M-2000.

The antecedents.

Maria Villaflores (Maria) was the owner of Lot 2-A, with an area of 277 square meters, in Poblacion, Meycauayan, Bulacan, covered by Transfer Certificate of Title (TCT) No. T-84.761 (M). In 1980, Maria sold a portion of Lot 2-A to her nephew, respondent Antonio Villaflores (Antonio). Antonio then took possession of the portion sold to him and constructed a house thereon. Twelve (12) years later, or on August 15, 1992, Maria executed in favor of Antonio a *Kasulatan ng Bilihang Tuluyan*^[3] covering the entire Lot 2-A. However, Antonio did not register the sale or pay the real property taxes for the subject land.

On August 31, 1994, Maria sold the same Lot 2-A to Filomena, evidenced by a *Kasulatan ng Bilihang Tuluyan*.^[4] Filomena registered the sale with the Registry of Deeds of Meycauayan on September 6, 1994. Consequently, TCT No. T-84.761 (M) in the name of Maria was cancelled and TCT No. T-208265 (M) was issued in the name of Filomena. Since then Filomena paid the real property taxes for the subject parcel of land.

On September 28, 2000, Filomena filed a case for *Accion Publiciana with Cancellation of Notice of Adverse Claim, Damages and Attorney's Fees*^[5] against Antonio. She alleged that she acquired Lot 2-A in 1994 from her grandaunt Maria by virtue of the *Kasulatan ng Bilihang Tuluyan*. At the time of the sale, she was not aware that Antonio had any claim or interest over the subject property. Antonio assured her that there was no impediment to her acquisition of the land, and promised to vacate the property five (5) years after the sale. In August 1999, Antonio requested an extension of one (1) year, and offered to pay a monthly rental of P2,000.00, which she granted. However, in 2000, Antonio refused to vacate the property and, instead, claimed absolute ownership of Lot 2-A.

Antonio traversed the complaint, asserting absolute ownership over Lot 2-A. He alleged that he purchased the subject property from Maria in 1980; and that he took

possession of the same and constructed his house thereon. He came to know of the sale in favor of Filomena only in 2000 when the latter demanded that he vacate the property. He averred that Filomena was aware of the sale; hence, the subsequent sale in favor of Filomena was rescissible, fraudulent, fictitious, or simulated.^[6]

After trial, the RTC rendered a decision^[7] sustaining Filomena's ownership. According to the RTC, Filomena was the one who registered the sale in good faith; as such, she has better right than Antonio. It rejected Antonio's allegation of bad faith on the part of Filomena because no sufficient evidence was adduced to prove it. Likewise, the RTC found Antonio's evidence of ownership questionable. Nevertheless, it declared Antonio a builder in good faith.

The RTC disposed, thus:

WHEREFORE, judgment is hereby rendered as follows:

- a) [Filomena] is adjudged the absolute and real owner of the property-in-question and covered by TCT No. T-208265 (M) registered in her name;
- b) ordering [Antonio] and all persons claiming right under her to vacate the premises;
- c) [Antonio] is declared to be a builder in good faith of his improvement/building erected in TCT No. T-208268 (M) and the provisions of Art. 448 of the New Civil Code applies;
- d) all other claims of [Filomena] and counterclaim of [Antonio] are dismissed for lack of legal as well as factual basis.

SO ORDERED.^[8]

Both parties moved for reconsideration of the decision, but the RTC denied the motions for lack of merit.

Filomena and Antonio then filed their separate appeals with the CA. Filomena assailed the RTC pronouncement that Antonio was a builder in good faith, and the denial of her claim for damages. Antonio, on the other hand, faulted the RTC for sustaining Filomena's ownership of the subject lot.

On September 30, 2008, the CA rendered the now challenged Decision^[9] affirming with modification the RTC decision. The CA affirmed the RTC for upholding Filomena's ownership of Lot 2-A and for declaring Antonio a builder in good faith. However, it remanded the case to the RTC for further proceedings to determine the respective rights of the parties under Articles 448 and 546 of the Civil Code, and the amount due Antonio.

The dispositive portion of the CA Decision reads:

WHEREFORE, in view of the foregoing, the appeal of [respondent] Antonio Villaflores is **GRANTED** in part. The Decision dated December 10, 2002 issued by Branch 19, Regional Trial Court, Malolos, Bulacan in Civil Case No. 674-M-2000 is **AFFIRMED** with **MODIFICATION** that Antonio Villaflores, being a builder in good faith, is entitled to reimbursement of the necessary and useful expense with the right of retention until reimbursement of said expenses in full. The partial appeal of [petitioner] Filomena Benedicto is **DENIED**.

In accordance with the foregoing disquisitions, let the case be **REMANDED** to the trial court which is **DIRECTED** to receive evidence, with dispatch, to determine the amount due [respondent], the rights of the parties under Arts. 448 and 546; and to render a complete judgment of the case.

SO ORDERED.^[10]

Before us, Filomena faults the CA for holding that Antonio was a builder in good faith and was entitled to reimbursement for the necessary and useful expenses incurred, with right of retention until reimbursement of the said expenses in full. Filomena asserts that Antonio is not entitled to any reimbursement because he possessed the property by mere tolerance. Maria merely allowed Antonio to construct his house on a portion of Lot 2-A; hence, he is not entitled to any reimbursement or retention.

The appeal lacks merit.

The question of whether a possessor is in good or bad faith is a factual matter. As a rule, a party may raise only questions of law in an appeal by *certiorari* under Rule 45 of the Rules of Court.^[11] The Supreme Court is not duty bound to analyze and weigh again the evidence considered in the proceedings below. This Court is not a trier of facts and does not embark on a reexamination of the evidence introduced by the parties during trial.^[12] This rule assumes greater force in the instant case where the CA affirmed the factual findings of the trial court.

It is not disputed that the construction of Antonio's house was undertaken long before the sale in favor of Filomena; that when Filomena bought the property from Maria, Antonio's house which he used as residence had already been erected on the property. As explained by the CA:

[Antonio] claims not being aware of any flaw in his title. He believed being the owner of the subject premises on account of the Deed of Sale thereof in his favor despite his inability to register the same. The improvement was, in fact, introduced by Antonio prior to Filomena's purchase of the land. x x x.^[13]

Thus, we sustain the finding that Antonio is a builder in good faith.

Under Article 448, a landowner is given the option to either appropriate the