

## THIRD DIVISION

[ G.R. NO. 143572, September 30, 2005 ]

**GREGORIO "GEORGE" AMANTE, AND VICENTE AMANTE, PETITIONERS, VS. BIBIANO SERWELAS, RESPONDENT.**

### DECISION

**CORONA, J.:**

The subject of this petition for review on *certiorari* under Rule 45 of the Rules of Court is the decision<sup>[1]</sup> of the Court of Appeals dated December 28, 1999 declaring respondent Bibiano Serwelas as the lawful owner of a contested vehicle.

The facts, as found by the appellate court, follow.

Danilo Bicomong was the registered owner of a 1990 Isuzu Jitney with motor no. 139328, chassis no. SPMM 35092-90-C and plate no. DHH 230, evidenced by certificate of registration no. 00567641.<sup>[2]</sup> He was employed as plant supervisor of Amante Motors.

On July 17, 1992, Bicomong sold the vehicle for P200,000 to respondent in a deed of absolute sale.<sup>[3]</sup> On October 7, 1992, respondent had the vehicle registered in his name, as shown in certificate of registration no. 14058314.<sup>[4]</sup> He then operated it as a common carrier on a boundary system.<sup>[5]</sup>

On December 9, 1993, the vehicle was seized by the police highway patrol group in General Mariano Alvarez, Cavite without a warrant, upon the request of petitioner Gregorio Amante, the manager of Amante Motors.

The vehicle was brought to Camp Vicente Lim in Laguna and, after being subjected to macro-etching examination by SPO1 Elfin B. Rico of the Philippine National Police Crime Laboratory Service, was later released to petitioner Gregorio Amante. Despite respondent's demand,<sup>[6]</sup> Gregorio Amante refused to return the vehicle. Hence, respondent instituted a replevin suit with the trial court.<sup>[7]</sup> Asserting ownership of the vehicle, petitioner Vicente Amante, the proprietor of Amante Motors, intervened in the suit.

On April 29, 1996, the trial court rendered a decision<sup>[8]</sup> declaring respondent as the lawful owner of the vehicle:

The illegal seizure of the vehicle was triggered by the suspicion of the defendant<sup>[9]</sup> that [the] said vehicle was spirited out of Amante Motors by Danilo [Bicomong] who was formerly the plant supervisor therein.

Aside from the suspicion and the inconclusive conclusion of the technician

that the chassis number of the vehicle in question was "re-stamped" no other evidence – like registration certificate – was adduced by defendant/intervenor, to support the claim of ownership.

xxx

xxx

xxx

Besides, it was not shown that the certificate of registration of Danilo was spurious or fake. It was not also shown that the subject vehicle was registered in the name of either the defendant or intervenor<sup>[10]</sup> or Amante Motors. Now, between the plaintiff<sup>[11]</sup> who purchased the vehicle in good faith and for value and with supporting genuine documents and the defendant/intervenor who merely presumed that they owned the chassis, the choice is clear.<sup>[12]</sup>

The trial court also awarded damages to respondent for lost earnings<sup>[13]</sup> amounting to P103,200 plus P37,963 as premium for the replevin bond of respondent.

On appeal, the Court of Appeals affirmed the trial court's decision holding respondent as the rightful owner of the vehicle. It ruled that respondent had established ownership of the vehicle to the exclusion of the whole world. <sup>[14]</sup> It also affirmed the award of damages as unrealized earnings<sup>[15]</sup> but deleted the award for replevin bond premium since no claim for it was made in the complaint.

Petitioners' motion for reconsideration was denied. Hence, this recourse.

Petitioners impute errors involving questions of fact which we are not at liberty to review. Our jurisdiction is generally limited to reviewing errors of law that may have been committed by the Court of Appeals. We reiterate the oft-repeated but not so well-heeded rule that findings of fact of the Court of Appeals, especially when they are in agreement with those of the trial court, are accorded not only respect but even finality, and are binding on this Court. Barring a showing that the findings complained of were devoid of support, they must stand for this Court is not expected or required to examine or refute the oral and documentary evidence submitted by the parties.<sup>[16]</sup> The trial court, having heard the witnesses and observed their demeanor and manner of testifying, is in a better position to assess their credibility.

In any event, we carefully reviewed the records of this case and found no compelling reason to disturb the findings and conclusions of the trial court and the appellate court.

Respondent's ownership of the vehicle was proven by the certificate of registration in his name. Petitioner Vicente Amante, on the otherhand, could not present any certificate of registration to support his claim. Between one who is armed with a certificate of registration clearly establishing his ownership and another whose claim is supported only by unconvincing allegations, we do not hesitate to rule for the former.

A certificate of registration of a motor vehicle creates a strong presumption of ownership in favor of one in whose name it is issued, *unless proven otherwise*. In this case, we have not found sufficient proof to destroy the presumption. Petitioners

seek to dispel the presumption by alleging that the vehicle was stolen by Bicomong from them and therefore the respondent was a buyer in bad faith. In this connection, petitioners raise the following points:

1. Bicomong was merely a *supervisor* at Amante Motors owned by petitioner Vicente Amante.
2. Bicomong *had no motor shop of his own*.
3. Bicomong had no other [source] of income or livelihood aside from being a supervisor at Amante Motors and *did not own any passenger-type jeepney*.
4. [R]espondent was brought to the shop of Amante Motors where he chose and picked the subject motor vehicle *from among the jeepneys on display thereat for sale*.
5. [T]he jeepney chosen by respondent at the shop of Amante Motors was the very *same vehicle in question* delivered to him by Danilo Bicomong at his residence [in] Cavite.
6. [T]he subject motor vehicle was *among the passenger-type jeepneys manufactured and/or assembled by Amante Motors spirited out of the shop of Amante Motors by Danilo Bicomong*.
7. [T]he macro-etching examination conducted by SPO1 Elfin B. Rico of the Philippine National Police Crime Laboratory Service on the subject motor vehicle clearly revealed "*presence of signs of grinding on the metal surface where the chassis number is normally located*" per his Physical Investigation Report No. PI-369-93 dated December 9, 1993.
8. *Chassis no. SPMM-35092-90C* (the chassis number in Bicomong's certificate of registration) was *merely re-stamped on the chassis of subject motor vehicle* as per the aforesaid Physical Investigation Report No. PI-369-93 of SPO1 Rico.
9. [T]he chassis bearing no. SPMM-35092-90-C, as found re-stamped on the chassis of the vehicle in question by SPO1 Rico is *with the police authorities of San Pablo City, Laguna*.
10. *[T]he dorsal side of the hood* of subject motor vehicle, when its paint was scratched, showed the *original chassis number* secretly stamped thereon by petitioners.
11. Danilo Bicomong was not even presented in court to prove his alleged ownership of [the] subject motor vehicle; and
12. Danilo Bicomong, among others, was charged by the Office of the City Prosecutor of San Pablo City for theft of subject motor vehicle and other jeepneys as per Resolution of the San Pablo City Prosecutor's Office. [17]