

FIRST DIVISION

[G.R. No. 155080, February 05, 2004]

**SOLEDAD CALICDAN, REPRESENTED BY HER GUARDIAN
GUADALUPE CASTILLO, PETITIONER, VS. SILVERIO CENDAÑA,
SUBSTITUTED BY HIS LEGAL HEIR CELSA CENDAÑA-ALARAS,
RESPONDENT.**

D E C I S I O N

YNARES-SATIAGO, J.:

This petition for review seeks the reversal of the April 4, 2002 decision of the Court of Appeals in CA-G.R. CV No. 67266,^[1] which set aside the November 12, 1996 decision of the Regional Trial Court of Dagupan City, Branch 44 in Civil Case No. D-10270.^[2]

The instant controversy involves a 760 square meter parcel of unregistered land located in Poblacion, Mangaldan, Pangasinan. The land was formerly owned by Sixto Calicdan, who died intestate on November 4, 1941. He was survived by his wife, Fermina, and three children, namely, petitioner Soledad, Jose and Benigno, all surnamed Calicdan.^[3]

On August 25, 1947, Fermina executed a deed of donation inter vivos whereby she conveyed the land to respondent Silverio Cendaña,^[4] who immediately entered into possession of the land, built a fence around the land and constructed a two-storey residential house thereon sometime in 1949, where he resided until his death in 1998.^[5]

On June 29, 1992, petitioner, through her legal guardian Guadalupe Castillo, filed a complaint for "Recovery of Ownership, Possession and Damages" against the respondent, alleging that the donation was void; that respondent took advantage of her incompetence in acquiring the land; and that she merely tolerated respondent's possession of the land as well as the construction of his house thereon.^[6]

In his "Answer with Motion to Dismiss", respondent alleged, by way of affirmative defenses, that the land was donated to him by Fermina in 1947; and that he had been publicly, peacefully, continuously, and adversely in possession of the land for a period of 45 years. Moreover, he argued that the complaint was barred by prior judgment in the special proceedings for the "*Inventory of Properties of Incompetent Soledad Calicdan*", where the court decreed the exclusion of the land from the inventory of properties of the petitioner.^[7]

On November 12, 1996, the trial court rendered a decision in favor of the petitioner, the dispositive portion of which reads as follows:

WHEREFORE, judgment is rendered in favor of plaintiff and against the defendant as follows:

1. Ordering defendant Silverio Cendaña to vacate the land in question and surrender ownership and possession of the same to plaintiff; and
2. Ordering defendant to pay plaintiff P20,000.00 as moral damages, P20,000.00 as exemplary damages, P10,000.00 by way of attorney's fees and other litigation expenses, plus cost of suit.

SO ORDERED.^[8]

On appeal by the respondent, the Court of Appeals reversed the trial court's decision and declared that the donation was valid. Furthermore, it held that petitioner lost her ownership of the property by prescription.

Hence, the instant petition for review on the following issues:

- (1) whether or not the donation *inter vivos* is valid; and
- (2) whether or not petitioner lost ownership of the land by prescription.

As a rule, our jurisdiction in cases brought from the Court of Appeals is limited to the review and revision of errors of law allegedly committed by the appellate court. This is because its findings of fact are deemed conclusive and we are not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below.^[9]

The rule, however, admits of the following exceptions:

- (1) when the findings are grounded on speculation, surmises or conjectures;
- (2) when the inference made is manifestly mistaken, absurd or impossible;
- (3) when there is grave abuse of discretion in the appreciation of facts;
- (4) when the factual findings of the trial and appellate courts are conflicting;
- (5) when the Court of Appeals, in making its findings, has gone beyond the issues of the case and such findings are contrary to the admissions of both appellant and appellee;
- (6) when the judgment of the appellate court is premised on a misapprehension of facts or when it has failed to consider certain relevant facts which, if properly taken into account, will justify a different conclusion;

(7) when the findings of fact are conclusions without citation of specific evidence upon which they are based; and

(8) when findings of fact of the Court of Appeals are premised on the absence of evidence but are contradicted by the evidence on record.^[10]

In the case at bar, the factual findings of the trial court and the Court of Appeals are conflicting; thus, we are constrained to review the findings of facts.

The trial court found the donation of the land void because Fermina was not the owner thereof, considering that it was inherited by Sixto from his parents. Thus, the land was not part of the conjugal property of the spouses Sixto and Fermina Calicdan, because under the Spanish Civil Code, the law applicable when Sixto died in 1941, the surviving spouse had a right of usufruct only over the estate of the deceased spouse. Consequently, respondent, who derived his rights from Fermina, only acquired the right of usufruct as it was the only right which the latter could convey.

After a review of the evidence on record, we find that the Court of Appeals' ruling that the donation was valid was not supported by convincing proof. Respondent himself admitted during the cross examination that he had no personal knowledge of whether Sixto Calicdan in fact purchased the subject land from Felomino Bautista. Pertinent portions of his testimony read:

Q. And Sixto Calicdan inherited this property from his parents?

A. No, sir.

Q. What do you mean by no?

A. To my knowledge and information, Sixto Calicdan bought the property from his cousin, I think Flaviano or Felomino Bautista.

Q. So, in other words, you have no personal knowledge about how Sixto Calicdan acquired this property?

A. I think it was by purchase.

Q. According to information, so you have no actual personal knowledge how Sixto Calicdan acquired this property?

A. Yes, because when the property was bought by my uncle, I was not yet born, so information only.

Q. So when you were born, you came to know already that Sixto Calicdan is the owner of this property?

A. Yes, thru the son of Felomino Bautista who is now, I think, in Baguio.

Q. You have not seen any document to show that Sixto Calicdan purchased the property from one Felomino