

EIGHTH DIVISION

[CA-G.R. CV No. 99375, May 28, 2014]

**CITY GOVERNMENT OF VALENZUELA REPRESENTED BY MAYOR
SHERWIN T. GATCHALIAN, PLAINTIFF-APPELLEE, VS. LUCIA
NAZAR VDA. DE FELICIANO, ET AL., DEFENDANT-APPELLANT.**

D E C I S I O N

INTING, S.B., J.:

This *Appeal*^[1] seeks to reverse and set aside the *Decision*^[2] dated 7 June 2012 of the Regional Trial Court (RTC) of the National Capital Judicial Region, Valenzuela City, Branch 269, in Civil Case No. 17-V-10.

The facts of the case follow:

On 5 November 1986 defendant-appellant Lucia Nazar Vda. De Feliciano executed a Deed of Donation denominated as "Kusang Pagkakaloob" in favor of plaintiff-appellee City (then Municipality) Government of Valenzuela involving two parcels of land (subject properties) situated in Barangay Ugong, Valenzuela City, covered by Transfer Certificate of Title Nos. 124243 and (T-115916) T-83728 .^[3] Hon. Wilfredo Chongco accepted the donation in behalf of plaintiff-appellee in the same deed.^[4] The Barangay Hall of Ugong was constructed therein thereafter.

Twenty three (23) years later, defendant-appellant filed an ejectment case against the Barangay officials of Ugong before the Metropolitan Trial Court of Valenzuela (MeTC). On 10 November 2007 the MeTC ruled in favor of defendant-appellant. The Regional Trial Court of Valenzuela, Branch 172, (RTC Branch 172) affirmed the Decision of the MeTC.

During the pendency of the case before the Court of Appeals, defendant-appellant filed a Motion for Execution which the RTC Branch 172 granted in its Order dated 4 September 2009. This prompted the plaintiff-appellee to file a *Complaint for Specific Performance and Damages* against defendant-appellant to enforce the deed of donation which the latter executed over the subject properties.

On 7 June 2012 the RTC rendered the assailed Decision. The dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in favor of plaintiff City Government of Valenzuela and against defendant Lucia Nazar vda. de Feliciano. Said defendant is hereby ordered to immediately DELIVER to plaintiff the Owner's Duplicate of Transfer Certificate of Title Nos. (T-115916) T-83728 and 124243.

The writ of preliminary injunction issued on April 6, 2010, is hereby made PERMANENT.

Costs against defendant Nazar.

SO ORDERED.”^[5]

Defendant-appellant filed a Motion for Reconsideration but the same was denied on 20 July 2012. Hence, this appeal before this Court raising the following issues:^[6]

I.

WHETHER OR NOT THE PLAINTIFF HAS ESTABLISHED BY PREPONDERANCE OF EVIDENCE THE CLAIM THAT THE SUBJECT PROPERTIES HAD BEEN DONATED TO THE CITY GOVERNMENT OF VALENZUELA;

II.

WHETHER OR NOT THE REGIONAL TRIAL COURT OF VALENZUELA CITY HAS THE JURISDICTION TO ENJOIN THE IMPLEMENTATION OF THE WRIT OF EXECUTION ISSUED BY A COURT OF CO-EQUAL JURISDICTION.

III.

WHETHER OR NOT THE DEFENDANT LUCIA NAZAR VDA. DE FELICIANO IS ENTITLED TO THE RELIEF PRAYED FOR IN HER COUNTERCLAIM.

Defendant-appellant disputes the authenticity of the deed of donation she allegedly executed in favor of plaintiff-appellee. Defendant-appellant maintains that she has never donated the subject properties to anyone. She adds that her continuous payment of taxes on the subject properties supports her claim of ownership thereof.

We deny the appeal.

According to Section 30, Rule 132 of the Rules of Court, "every instrument duly acknowledged or proved and certified as provided by law, may be presented in evidence without further proof, the certificate of acknowledgment being a prima facie evidence of the execution of the instrument or document involved." A notarial document is evidence of the facts expressed therein. A notarized document enjoys a prima facie presumption of authenticity and due execution. Clear and convincing evidence must be presented to overcome such legal presumption.^[7]

In the instant case, defendant-appellant failed to adduce sufficient evidence to overcome the above presumption. The deed in question was executed in 1986. It is therefore surprising why the defendant-appellant is now contending very much belatedly that no such donation took place.

A perusal of the deed reveals that it is a gratuitous disposition of the subject properties made by defendant-appellant in favor of plaintiff-appellee. The pertinent portions of the deed are reproduced hereunder:

"X X X

X X X

X X X

LUCIA NAZAR, Pilipino, may sapat na gulang, asawa ni Alfonso Feliciano, at kasalukuyang naninirahan sa brgy. Ugong, Valenzuela, Kalakhang