

FOURTH DIVISION

[CA-G.R. CV No. 97575, November 20, 2014]

**SPS. EFREN AND MARINA REYES, PLAINTIFFS-APPELLEES, VS.
SPS. ARNOLD ANSING, SPS. MARCIANO GUIANG AND SPS.
JUSTO BARRERA, DEFENDANTS-APPELLANTS,**

DECISION

SORONGON, J.:

This is an Appeal^[1] from the Decision^[2] dated January 12, 2011 of the Regional Trial Court of Pasig City, Branch 152 in Civil Case No. 68072 entitled "*Sps. Efren and Marina Reyes versus Sps. Arnold Ansing, Sps. Marciano Guiang and Sps. Justo Barrera*".

The facts as culled from the records: On October 30, 1987, spouses Efren and Marina Reyes (plaintiffs-appellees) bought from Honorata Reyes the 342 square-meter portion of her lot covered by TCT No. 194454 consisting of 2,287 square meters. The Deed of Absolute Sale executed by Honorata Reyes in favor of plaintiffs-appellees was consequently annotated in TCT No. 194454. Thereafter plaintiffs-appellees made known to the occupants thereof, namely: spouses Arnold Ansing, spouses Marciano Guiang and spouses Justo Barrera (defendants-appellants) that they are now the owner of the said lot and at the same time allowed them to stay thereat until such time they would be needing it.

This 342 square-meter lot which plaintiffs-appellees bought from Honorata Reyes consists of six (6) parcels. Five (5) parcels have an area of 56 square meters each and one (1) has an area of 62 square meters. The three (3) parcels are occupied by Carmelita Chan, Linda Pascua, Rodolfo Cruz who are paying their rentals to plaintiffs-appellees and the other three (3) parcels are occupied by defendants-appellants.

When Honorata Reyes was still alive, plaintiffs-appellees allowed the former to collect the rent from the tenants to support her hospital and medical expenses. But after Honorata Reyes' death, defendants-appellants had stopped paying their rents. Plaintiffs-appellees thus demanded from them to vacate the premises which they refused to abide. An ejectment suit was filed against them but it was dismissed. Later, plaintiffs-appellees filed the case for Recovery of Possession.

For his part, defendant-appellant Justo Barrera averred that on July 22, 1980 he bought the house of Ma. Luz Flores. Thereafter, he entered into a lease agreement with Honorata Reyes over the lot where the said house stands. He had been paying the rent to Honorata Reyes until her death in July 1991. According to him, when he visited the wake of Honorata Reyes, Anicia Reyes, sister of the deceased, told him that they needed money for Honorata's funeral services. Hence, he gave Anicia Reyes the amount of Php44,800.00 which was his payment for the lot where his

house stands. In fact, they executed a Deed of Absolute Sale covering said lot with Anicia Reyes signing as the seller. On the basis of said sale transaction, Justo Barrerra asserted that he becomes the lawful owner of the subject property where his house is erected. He admitted though that he has not paid realty taxes for it nor inquired about the title thereof.

Defendant-appellant Marciano Guiang, Sr. claimed that he constructed a house on Honorata Reyes' property sometime in 1967. He also entered into a "*Kasunduan sa pagpapaupa ng Lupa*" on May 5, 1967. He paid rents religiously until 1997 when plaintiffs-appellees filed an ejectment case against him.

The court *a quo* ruled in favor of plaintiffs-appellees in this wise:

"WHEREFORE, premises considered, decision is hereby rendered in favor of the plaintiffs and against the defendants:

1. Ordering the defendants to vacate the premises;
2. Ordering the defendants to pay the amount of P30,000.00 as and [by way of] attorney's fees;
3. Costs of suit.

SO ORDERED."^[3]

Therefrom, defendants-appellants interposed the instant appeal alleging that -

THE TRIAL COURT GRAVELY ERRED IN ORDERING THE DEFENDANTS-APPELLANTS TO VACATE THE SUBJECT PREMISES DESPITE THE PLAINTIFFS-APPELLEES' FAILURE TO ESTABLISH THEIR CAUSE OF ACTION THROUGH A PREPONDERANCE OF EVIDENCE.

Stated, differently, the issue is whether or not the trial court was correct in confirming the ownership of plaintiffs-appellees over the subject property and ordering defendants-appellants to vacate the same and to pay attorneys fees.

Weighing the evidence on record, we affirm the trial court's assessment that there is an overwhelming evidence to support the cause of action of plaintiffs-appellees.

First, plaintiffs-appellees have proven their right and ownership over the portions of Honorata Reyes' property particularly designated and identified as Lots 18 to 23 under the "*Kasulatan*" (*Exhibit "A"*). Its due execution and authenticity was not questioned and no countervailing evidence was presented to impeach its validity. Defendants-appellants argue that the "*Kasulatan*" appears to be irregularly notarized since the names of the Notary Public and the instrumental witnesses cannot be ascertained as only their full signatures were affixed therein^[4]. It is an absurd argument. The "*Kasulatan*" was never at all impugned to be a fake document nor the signatures appearing thereon were found to be forgeries. When a notarized document is presented as an evidence, its due execution and validity is presumed.