



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

HEIRS OF JESUS P.
 MAGSAYSAY, namely:
 VICENTE P. MAGSAYSAY,
 MARIO, MARIO P.
 MAGSAYSAY, CESAR P.
 MAGSAYSAY, EXEQUIEL P.
 MAGSAYSAY, MARY ANN P.
 MAGSAYSAY, CECILLE P.
 MAGSAYSAY, JESSICA P.
 MAGSAYSAY, ENRICO P.
 MAGSAYSAY, and GIL P.
 MAGSAYSAY,

G.R. No. 225426

Petitioners,

- versus -

SPS. ZALDY AND ANNALIZA
 PEREZ, SPS. WILMER AND
 JOCELYN DOMINGO, SPS.
 EDUARDO AND GILDA
 ROSCA, SPS. FERNANDO AND
 GEMMA BACOLONGAN,
 JEFFREY M. DE LEON,
 MIGUEL TOLENTINO III, SPS.
 ANTONIO AND ABDULLA
 DECIO, SPS. FELIX AND
 ANNABEL ANGCOT, SPS.
 MANUEL, JR. AND
 ANNAMARIE NOVIO, SPS.
 ARSENIO JR. AND MA.
 LOURDES NAYLON, KRISTEN
 JOY ROSCA, MARK JASON
 ROSCA, SPS. BENJAMIN AND

Present:

LEONEN, J.,
 Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 ROSARIO, JJ.

ANALYN CATADA, SPS.
DANILO AND FLORDELIZA
BULAN, and THE REGISTER
OF DEEDS OF ZAMBALES,

Respondents.

Promulgated:

June 28, 2021

Mi + DCB - JT

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DECISION

HERNANDO, J.:

This Petition for Review on *Certiorari*¹ assails the December 21, 2015 Decision² and the June 16, 2016 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 100980.

The facts of the case are as follows:

This case originated from a complaint for reconveyance of lots covered by 15 separate Torrens titles filed by petitioners Heirs of Jesus P. Magsaysay (hereafter, the heirs or petitioners) with the Regional Trial Court (RTC) in Olongapo City.⁴ These titles were in the names of respondents Sps. Zaldy and Annaliza Perez, Sps. Wilmer and Jocelyn Domingo, Sps. Eduardo and Gilda Rosca, Sps. Fernando and Gemma Bacolongan, Jeffrey M. De Leon, Miguel Tolentino III, Sps. Antonio and Abdula Decio, Sps. Felix and Annabel Angcot, Sps. Manuel Jr. and Annamarie Novio, Sps. Arsenio Jr. and Ma. Lourdes Naylor, Kristen Joy Rosca, Mark⁵ Jason Rosca, Sps. Benjamin and Analyn Catada, and Sps. Danilo and Flordeliza Bulan (hereafter collectively referred to as respondents).⁶ The respondents' respective titles, which collectively cover a parcel of land located in San Agustin, Castillejos, Zambales with a total land area of 708,124 square meters (sq. m.), are described as follows:

Katibayan ng Orihinal na Titulo Blg. P-24413 under the name of Sps. Zaldy and Annaliza Perez with a total land area of 47,609 sq. m.;⁷

Katibayan ng Orihinal na Titulo Blg. P-24414 under the name of Sps. Wilmer and Jocelyn Domingo with a total land area of 47,318 sq. m.;⁸

¹ *Rollo*, pp. 3-37.

² *Id.* at 41-55. Penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Magdangal M. De Leon and Victoria Isabel A. Paredes.

³ *Id.* at 57-59.

⁴ *Id.* at 42; see also *Records*, pp. 1-14.

⁵ Marck in some parts of the records.

⁶ *Rollo*, p. 42.

⁷ *Records*, p. 17.

⁸ *Id.* at 18.

Katibayan ng Orihinal na Titulo Blg. P-24415 under the name of Sps. Eduardo and Gilda Rosca with a total land area of 46,822 sq. m.;⁹

Katibayan ng Orihinal na Titulo Blg. P-24416 under the name of Sps. Eduardo and Gilda Rosca with a total land area of 46,957 sq. m.;¹⁰

Katibayan ng Orihinal na Titulo Blg. P-24417 under the name of Sps. Sps. Fernando and Gemma Bacolongan with a total land area of 47,310 sq. m.;¹¹

Katibayan ng Orihinal na Titulo Blg. P-24418 under the name of Jeffrey M. De Leon with a total land area of 47,258 sq. m.;¹²

Katibayan ng Orihinal na Titulo Blg. P-24419 under the name of Miguel Tolentino III with a total land area of 47,266 sq. m.;¹³

Katibayan ng Orihinal na Titulo Blg. P-24420 under the name of Sps. Antonio and Abdula Decio with a total land area of 47,235 sq. m.;¹⁴

Katibayan ng Orihinal na Titulo Blg. P-24421 under the name of Sps. Felix and Annabel Angcot with a total land area of 47,288 sq. m.;¹⁵

Katibayan ng Orihinal na Titulo Blg. P-24422 under the name of Sps. Manuel Jr. and Annmarie Novio with a total land area of 47,244 sq. m.;¹⁶

Katibayan ng Orihinal na Titulo Blg. P-24423 under the name of Sps. Arsenio Jr. and Ma. Lourdes Naylon with a total land area of 47,251 sq. m.;¹⁷

Katibayan ng Orihinal na Titulo Blg. P-24424 under the name of Kristen Joy Rosca with a total land area of 47,721 sq. m.;¹⁸

Katibayan ng Orihinal na Titulo Blg. P-24425 under the name of Mark Jason Rosca with a total land area of 46,616 sq. m.;¹⁹

Katibayan ng Orihinal na Titulo Blg. P-24426 under the name of Sps. Benjamin and Analyn Catada with a total land area of 46,732 sq. m.;²⁰ and

Katibayan ng Orihinal na Titulo Blg. P-24427 under the name of Sps. Danilo and Flordeliza Bulan with a total land area of 47,497 sq. m.;²¹

⁹ Id. at 19.

¹⁰ Id. at 20.

¹¹ Id. at 21.

¹² Id. at 22.

¹³ Id. at 23.

¹⁴ Id. at 24.

¹⁵ Id. at 25.

¹⁶ Id. at 26.

¹⁷ Id. at 27.

¹⁸ Id. at 28.

¹⁹ Id. at 29.

²⁰ Id. at 30.

²¹ Id. at 31.

The said titles were issued pursuant to free patents which were obtained by respondents after administrative proceedings with the Department of Environment and Natural Resources (DENR) covering Cadastral Lot No. 1377, an orchard land with a total land area of 708,124²² sq. m. situated in San Agustin, Castillejos, Zambales with the following boundaries: North – Lot Nos. 008 of Sec. 07, 018, 019, 020, 021, 023 of Sec. 04; East – Lot Nos. 002, 003, 004, 006; South – Lot No. 006; and West – Lot Nos. 006, 019, 018, 016 and 009 of Sec. 07.²³

In their complaint, petitioners alleged that their predecessor-in-interest, the late Jesus P. Magsaysay (hereafter, Jesus) was in lawful possession in the concept of an owner of a parcel of land identified as Cadastral Lot No. 1177, a pasture land with a total land area of 800,000 sq. m. situated in Malaplap, Castillejos, Zambales with the following boundaries: North – Lot Nos. 1231-1246-1235-124; East – Lot Nos. 1129-1133; South – Lot Nos. 1135-Cecilio Olres; and West – Lot Nos. 1225-1227.²⁴ In 1960, this parcel of land was first declared for taxation purposes in the name of Jesus under Tax Declaration (TD) No. 27254.²⁵

After Jesus died, petitioners, as heirs, retained possession of the said parcel of land, allegedly introducing various improvements such as fruit trees, but were eventually destroyed when Mt. Pinatubo erupted in 1992.²⁶ They also declared the same property for tax purposes in the name of Jesus in 1969 (TD No. 32776),²⁷ 1974 (TD No. 3303),²⁸ and 1980 (TD No. 3720),²⁹ although the said tax declarations did not contain a specific cadastral lot number. Jesus and petitioners alleged to be unaware of any claims by other parties on the property, and hence, they instituted land registration proceedings with the then Court of First Instance but their petition was withdrawn/dismissed because the area was mistakenly described as Lot No. 1377 of the Castillejos Cadastre.³⁰ The area bears the correct identification as Lot No. 1177.³¹

Allegedly, after a tax mapping operation in 1984, the property was identified as Cadastral Lot No. 1377, a pasture land situated in San Agustin, Castillejos, Zambales with a total land area of 800,000 sq. m., with the following boundaries: North – Lot Nos. 008 of Sec. 07, 019, 020, 021, of Sec. 04; East – Lot Nos. 002, 010, 011 and 012; South – Lot No. 002; and West – Lot Nos. 009, 016, 018 and 019 of Sec. 07. These changes in the description were reflected in petitioners' tax declarations in 1984 (TD No. 008-0438),³²

²² Also indicated as 70.8104 in some parts of the records.

²³ Records, p. 386.

²⁴ *Rollo*, p. 43; *see also* Records, p. 515.

²⁵ *Id.*

²⁶ *Id.* at 43.

²⁷ Records, p. 516.

²⁸ *Id.* at 517-518.

²⁹ *Id.* at 519-520.

³⁰ *Rollo*, p. 43.

³¹ *Id.*

³² Records, pp. 521-522.

1985 (TD No. 008-0503),³³ 1994 (TD No. 008-0825),³⁴ and 2003 (TD No. 008-0927).³⁵

Sometime in 2003, petitioners filed a complaint for forcible entry against respondents on the ground that the latter, by means of stealth, entered a portion of the subject land and planted mango trees.³⁶ The Municipal Circuit Trial Court (MCTC) and the RTC that handled the said forcible entry case ordered respondents to vacate the subject property.³⁷ Accordingly, respondents Sps. Eduardo and Gilda Rosca vacated said portion of land.

Thereafter, said respondents applied for the administrative titling of Cadastral Lot No. 1377, an orchard land with a total land area of 708,124 sq. m. situated in San Agustin, Castillejos, Zambales with the following boundaries: North – Lot Nos. 008 of Sec. 07, 018, 019, 020, 021, 023 of Sec. 04; East – Lot Nos. 002, 003, 004, 006; South – Lot No. 006; and West – Lot Nos. 006, 019, 018, 016 and 009 of Sec. 07.³⁸ Torrens titles were issued to them as well as to the other respondents.³⁹

Thus, petitioners instituted the instant case, alleging that the Torrens titles described above are void as respondents purportedly falsified and committed fraud in their respective applications of the issuance of the patent as they have never been in actual and physical possession of the subject land.⁴⁰

In their Answer,⁴¹ respondents Sps. Eduardo and Gilda Rosca and their children, Kristen Joy Rosca, Mark Jason Rosca, and the Sps. Bulan denied petitioners' allegations against them and raised the affirmative defense that petitioners have no cause of action as the subject matter was already adjudicated in administrative proceedings wherein they were both parties.⁴² The other respondents adopted this Answer, except the counterclaim incorporated therein.⁴³

Attached to the Answer is an Order dated January 27, 2004 issued by the Office of the Regional Executive Director of the Region III DENR,⁴⁴ where it was found that Jesus, who was later on represented by petitioners, caused the issuance of an Advanced Plan-03-002799 for Cadastral Lot No. 1377. He supposedly submitted TD Nos. 3303 and 3720, both of which do not bear any lot number and described the said lot to have a land area of 80 hectares or

³³ Id. at 523-524.

³⁴ Id. at 525.

³⁵ Id. at 526.

³⁶ *Rollo*, p. 43; *see also* Records, pp. 4-5.

³⁷ Id.; *id.* at 235-245.

³⁸ Records, p. 386.

³⁹ *Rollo*, pp. 43-45.

⁴⁰ Id. at 45; *see also* Records, p. 9.

⁴¹ Records, pp. 52-56.

⁴² *Rollo*, p. 46; *see also* Records, p. 53.

⁴³ Id.; *see also* Records, pp. 136-138.

⁴⁴ Records, pp. 57-67.

800,000 sq. m.⁴⁵ Upon verification from the Land Registration Authority, it was also found that Jessmag, Inc. represented by its President, Mario P. Magsaysay, applied for Original Registration of Title in Land Registration Case No. N-195-O, LRC Record No. N-56948, and that Advanced Plan-03-002799 accompanied the said application, among other documents.⁴⁶ After considering the aforementioned facts, among others, including an actual ocular inspection conducted during the course of investigation, the Region III DENR concluded that respondents have preferential right over the subject land and thus, ordered the cancellation of Advanced Plan-03-002799 and allowed respondent Gilda J. Rosca to cause a survey of Cadastral Lot No. 1377, Cad. 322-D, Castillejos Cadastre.⁴⁷ This Order by the Region III DENR was affirmed by both the DENR Secretary and the Office of the President.⁴⁸

On February 8, 2010, the RTC granted the motion to dismiss incorporated in respondents' Answer, and dismissed respondents' counterclaim.⁴⁹ The dispositive portion reads:

WHEREFORE, in view of the foregoing and the fact this case being one relating to the disposition of public land which the Department of Environment and Natural Resources has already resolved in Claim/Conflict No. 204, Lot No. 1377, Cad. 322-D, the motion to dismiss incorporated in the special and affirmative defenses in defendants' answer is granted. The complaint for reconveyance of the lots covered by fifteen (15) titles of the defendants with claim for damages is dismissed. The counterclaim of the defendants for damages and attorney's fees is likewise dismissed as there is no proof that the plaintiffs were impelled or motivated by bad faith in instituting of this action.

SO ORDERED.⁵⁰

Aggrieved, petitioners moved for reconsideration⁵¹ which motion was granted by the RTC in an Order dated May 26, 2011.⁵²

During the proceedings before the RTC, respondents filed a Demurrer to Evidence⁵³ praying for the dismissal of the case for lack of cause of action, but this was denied in an Order dated September 24, 2012.⁵⁴

Ruling of the Regional Trial Court:

On January 10, 2013, the RTC rendered its Decision declaring respondents' land titles as void and directing the reversion of the subject

⁴⁵ Id. at 58.

⁴⁶ Id. at 58-59.

⁴⁷ Id. at 67.

⁴⁸ Id. at 71-93.

⁴⁹ Id. at 217-223.

⁵⁰ Id. at 222-223.

⁵¹ Id. at 224-234.

⁵² Id. at 291-297.

⁵³ Id. at 613-624.

⁵⁴ Id. at 664-670.

parcels of land covered by such titles to the public domain.⁵⁵ The trial court took into consideration the photocopy of TD No. 27254, and ruled that since 1960, the late Jesus was the one in actual and physical possession of the subject property.⁵⁶ The dispositive portion of the ruling reads:

WHEREFORE, PREMISES CONSIDERED, judgment is rendered declaring void the following:

1. *Kaloob na Patente Blg. 037104-0617460 and Katibayan ng Orihinal na Titulo Blg. P-24413* issued in the name of spouses Zaldy and [Annaliza] Perez.

xxx

15. *Kaloob na Patente Blg. 037104-0617474 and Katibayan ng Orihinal na Titulo Blg. P-24427* issued in the name of spouses Danilo Bulan and Flordeliza Bulan.

The parcels of land subject of the aforesaid titles are reverted to the public domain.

SO ORDERED.⁵⁷

Respondents moved for reconsideration, but were denied by the RTC in an Order dated April 18, 2013.⁵⁸ Aggrieved, respondents then filed an appeal with the CA.

Ruling of the Court of Appeals:

On December 21, 2015, the appellate court rendered its Decision granting respondents' appeal, effectively reversing and setting aside the RTC Decision, to wit:⁵⁹

In sum, We find that the court *a quo* erred when it declared void the free patents and certificates of titles issued in the names of defendants-appellants.

FOR THESE REASONS, the instant appeal is **GRANTED**. The assailed Decision dated 10 January 2013 of the Regional Trial Court is **REVERSED AND SET ASIDE**. Accordingly, the complaint for reconveyance filed by plaintiffs-appellees is **DISMISSED**.

SO ORDERED.

In so ruling, the appellate court found that Lot No. 1177 being claimed by petitioners was not the same parcel of land as Lot No. 1377 being claimed by respondents, as these two lots were located in different places with

⁵⁵ Id. at 799-811.

⁵⁶ Id.

⁵⁷ Id. at 810-811.

⁵⁸ Id. at 846-854.

⁵⁹ *Rollo*, pp. 41-55.

different boundaries, and thus, petitioners' suit for reconveyance must necessarily fail.⁶⁰

Unsatisfied, petitioners filed a Motion for Reconsideration, which was denied by the CA in a Resolution dated June 16, 2016.⁶¹

Issues:

Hence, the instant petition, which essentially raises the following issues:

1. Whether or not the case falls within the exception to the rule that only questions of law should be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court;
2. Whether or not petitioners were able to prove that the property covered by the tax declarations of Jesus is the same property covered by the titles issued in favor of respondents;
3. Whether or not the CA erred when it ignored the fact of prior possession by petitioners, which had already been ruled with finality in the forcible entry case;
4. Whether or not the CA erred when it held that the uncorroborated testimony of petitioner Mario Magsaysay is insufficient to prove that respondents committed fraud in procuring their titles; and
5. Whether or not the CA erred when it held that petitioners were not able to discharge their burden of proving their case by mere preponderance of evidence despite the respondents' failure to present any evidence in this case.⁶²

Our Ruling

Since some of the factual findings by the RTC and the CA are contradictory, the same may be subject of review by this Court.

Anent the procedural issue, we agree with petitioners that this case falls under the exception to the general rule that this Court may only review questions of law, particularly due to the contradictory findings of the trial court and the appellate court.⁶³ In *Siasat v. Court of Appeals*,⁶⁴ we reiterated the doctrine that the findings of fact of the CA are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the recognized exceptions to the rule, to wit:

⁶⁰ Id.

⁶¹ Id. at 56-59.

⁶² Id. at 17-18.

⁶³ *Magalang v. Spouses Heretape*, G.R. No. 199558, August 14, 2019.

⁶⁴ 425 Phil. 139 (2002).

The issue raised is factual. In an appeal *via certiorari*, we may not review the factual findings of the Court of Appeals. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the recognized exceptions to the rule.

There are instances when the findings of fact of the trial court or Court of Appeals may be reviewed by the Supreme Court, such as (1) when the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) where there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and (10) when the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.⁶⁵ (Emphasis supplied. Citations omitted.)

It is undisputed that some factual findings of the RTC and the CA are contradictory. Most notably, with regard to the identity of the subject property, the trial court, on the one hand, held that the property being claimed by petitioners covered under TD No. 27254 and the subsequent TDs are one and same with the property titled to the respondents. On the other hand, the appellate court found the property being claimed by petitioners to be different from the property titled under the respondents' names.

Given this patent contradiction on a pivotal question of fact, it is necessary that we subject the records of the case to review.

The property being claimed by petitioners to be in their and their predecessors-in-interest's possession is not identical to the property titled to respondents.

In connection with the issue of the identity of the subject property, petitioners argue that they have presented preponderant evidence to prove that the subject property they are claiming is the one and the same with the property titled to respondents.

We disagree.

⁶⁵ Id. at 145.

As a general rule, the quantum of proof in civil cases is preponderance of evidence,⁶⁶ which means that the evidence adduced by one side is, as a whole, superior to or has greater weight than that of the other.⁶⁷ It means evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto.⁶⁸

Under Section 1 of Rule 133, in determining whether or not there is preponderance of evidence, the court may consider the following: (a) all the facts and circumstances of the case; (b) the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony; (c) the witnesses' interest or want of interest, and also their personal credibility so far as the same may ultimately appear in the trial; and (d) the number of witnesses, although it does not mean that preponderance is necessarily with the greater number.⁶⁹

Given this definition, it is clear that even if petitioners were able to present more evidence than respondents, it does not necessarily mean that they have preponderant evidence. What is important is the relative weight or probative value of the evidence on record. In this case, while it may be true that petitioners have presented a greater number of testimonial and documentary evidence, such evidence was not enough to discharge petitioners' burden of proof.

Firstly, it must be noted that while petitioners' main piece of evidence, a mere photocopy of TD No. 27254, might show that Jesus did declare a piece of land under his name for tax purposes as early as 1960, the same does not help in proving that the land petitioners are claiming is identical to the land titled to respondents. In fact, instead of bolstering petitioners' argument, the photocopy of TD No. 27254 weakened the same, as the said TD would clearly show that it covers a totally different parcel of land, with a different location, for a different use, and with different boundaries from the parcel of land covered by respondents' Torrens titles, to wit:

Petitioners' claimed land per TD no. 27254:

Cadastral Lot No. 1177, a pasture land with a total land area of 800,000 sq. m. situated in Malaplap, Castillejos, Zambales with the following boundaries: North – Lot Nos. 1231-1246-1235-124; East – Lot Nos. 1129-1133; South – Lot Nos. 1135-Cecilio Olres; and West – Lot Nos. 1225-1227.⁷⁰

Versus Respondents' titled land based on TD no. 008-1201:

Cadastral Lot No. 1377, an orchard land with a total land area of 708,104 sq. m. situated in San Agustin, Castillejos, Zambales with the following

⁶⁶ Rules of Court, Rule 133, Sec. 1.

⁶⁷ *Siao Aba v. De Guzman, Jr.* 678 Phil. 588, 601 (2011).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Records, p. 515.

boundaries: North – Lot Nos. 008 of Sec. 07, 018, 019, 020, 021, 023 of Sec. 04; East – Lot Nos. 002, 003, 004, 006; South – Lot No. 006; and West – Lot Nos. 006, 019, 018, 016 and 009 of Sec. 07.⁷¹

Other major pieces of evidence presented by petitioners were the two (2) Summary Reports of the Office of the Provincial Assessor: one dated June 27, 2003,⁷² and the other undated.⁷³ The report dated June 27, 2003 merely stated that tax declaration covering Cadastral Lot No. 1377 of Castillejos Cadastre was first issued to Jesus on January 27, 1960, which is six years before the issuance of the same property in favor of Samuel Samodio on September 23, 1966.⁷⁴

The undated report listed several findings, including a finding that the same property as described in TD No. 27254 was identified as Cadastral Lot 1177, but was correctly identified as Cadastral Lot No. 1377 after the 1984 tax mapping operations.⁷⁵ It was also found that the location of the property is in Brgy. San Agustin, Castillejos, Zambales, and that the said property is a public land as per Cadastral List of Claimant (sic).⁷⁶

While in a vacuum, these two pieces of evidence may seem enough proof that the land claimed by petitioners is identical to the one titled to respondents, we must consider the probative value of these with the other evidence on record, especially since the summary reports themselves merely contain conclusions and are, as the name implies, just summaries. With regard to the Summary Report dated June 27, 2003, there was only a conclusion that the tax declarations of petitioners' predecessor-in-interest and respondents' predecessor-in-interest cover the same land, without even providing any technical description of the said land. As to the undated Summary Report, there were several discrepancies with the petitioners' TDs from 1984 onwards as will be discussed below.

First, even assuming that the tax declarations of petitioners were already corrected from 1984 onwards, it can be clearly seen that the technical description of the same still did not match the technical description of the respondents' titled lands based on TD No. 008-1201A, to wit:

On the one hand, petitioners' TD No. 008-0438 describes Cadastral Lot No. 1377 as a pasture land situated in San Agustin, Castillejos, Zambales with a total land area of 800,000 sq. m., with the following boundaries:

North – Lot Nos. 008 of Sec. 07, 019, 020, 021, of Sec. 04;
East – Lot Nos. 002, 010, 011 and 012;
South – Lot No. 002; and

⁷¹ Id. at 386.

⁷² *Rollo*, p. 91.

⁷³ Id. at 92.

⁷⁴ Id. at 91.

⁷⁵ Id. at 92.

⁷⁶ Id.

West – Lot Nos. 009, 016, 018 and 019 of Sec. 07.⁷⁷

On the other hand, respondents' TD No. 008-1201A describes Cadastral Lot No. 1377 as an orchard land situated in San Agustin, Castillejos, Zambales with a total land area of 708,124 sq. m., with the following boundaries:

North – Lot Nos. 008 of Sec. 07, 018, 019, 020, 021, 023 of Sec. 04; East – Lot Nos. 002, 003, 004, 006;

South – Lot No. 006; and

West – Lot Nos. 006, 019, 018, 016 and 009 of Sec. 07.⁷⁸

To add to the discrepancies in petitioners' evidence, it must be observed that TD No. 27254 contained a note that states: "The property covered by this tax declaration is not a portion of public domain as per 1st indorsement dated January 27, 1960 of the Municipal Treasurer Castillejos, Zambales."⁷⁹ This patently contradicts the statement of the Municipal Assessor in the undated Summary Report that the subject property is a public land.

Clearly, the other pieces of evidence presented by petitioners are inconsistent with the conclusions of the undated summary report; no evidence presented by petitioners would prove that the land they are seeking to recover is identical with respondents' titled lands.

Such inconsistent evidence could not outweigh respondents' Torrens titles, which is imbued with the presumption of regularity, and the decision of the DENR, also imbued with the presumption of regularity, that found petitioners to have no claim over Cadastral Lot No. 1377 and that it is respondents who have a preferential right over the said lot. Not to mention that TD No. 008-1201A⁸⁰ and the Deeds of Waiver⁸¹ in favor of respondents all consistently point to the same land that was eventually registered under respondents' names.

In fact, if only to drive the point that there is no identity of the subject land being claimed by the parties, it must be noted that the DENR Decision mentioned that an actual ocular inspection was made by a hearing officer and that in a report dated September 1, 2003, it was concluded that respondents were the ones in actual possession of the land they sought to register under their names.⁸²

We give more weight to the DENR's conclusions, considering that the DENR is a competent government agency and its conclusion was supported by substantial evidence after hearing both parties' sides and conducting an actual ocular inspection, as compared to the unsupported conclusions in the undated summary report submitted by petitioners.

⁷⁷ Records, pp. 521-522.

⁷⁸ Id. at 386.

⁷⁹ Id. at 515.

⁸⁰ Id. at 386.

⁸¹ Id. at 326-354.

⁸² Id. at 63-64.

Verily, petitioners utterly failed to discharge the burden of proof incumbent upon them.

Petitioners failed to present clear and convincing proof that fraud was attendant in the issuance of respondents' titles.

The alleged failure of respondents to present evidence notwithstanding, it must be emphasized that this is a case of reconveyance, with allegations of fraud and misrepresentation. A complaint for reconveyance is an action which admits the registration of title of another party but claims that such registration was erroneous or wrongful.⁸³ It seeks the transfer of the title to the rightful and legal owner, or to the party who has a superior right over it, without prejudice to innocent purchasers in good faith.⁸⁴ The relief prayed for may be granted on the basis of intrinsic fraud - fraud committed on the true owner instead of fraud committed on the procedure amounting to lack of jurisdiction.⁸⁵

The party seeking to recover the property must prove, by clear and convincing evidence, that he or she is entitled to the property, and that the adverse party has committed fraud in obtaining his or her title.⁸⁶ The case of *Tankeh v. Development Bank of the Philippines*⁸⁷ explains the meaning of clear and convincing evidence as follows:

Second, the standard of proof required is clear and convincing evidence. This standard of proof is derived from American common law. It is less than proof beyond reasonable doubt (for criminal cases) but greater than preponderance of evidence (for civil cases). The degree of believability is higher than that of an ordinary civil case. Civil cases only require a preponderance of evidence to meet the required burden of proof. x x x The imputation of fraud in a civil case requires the presentation of clear and convincing evidence. Mere allegations will not suffice to sustain the existence of fraud. The burden of evidence rests on the part of the plaintiff or the party alleging fraud. The quantum of evidence is such that fraud must be clearly and convincingly shown.⁸⁸

Surely, bare allegations of fraud are not enough.⁸⁹ In the absence of such required proof, the complaint for reconveyance will not prosper.⁹⁰

We concur with the CA's finding that the uncorroborated and self-serving affidavit of Mario Magsaysay, who is in fact one of the petitioners, fails to clearly convince that fraud was present.⁹¹ Furthermore, as extensively

⁸³ *Toledo v. Court of Appeals*, 765 Phil. 649, 659 (2015).

⁸⁴ *Id.*

⁸⁵ *Aboitiz v. Po*, 810 Phil. 123, 137 (2017).

⁸⁶ *Magalang v. Spouses Heretape*, supra note 63.

⁸⁷ 720 Phil. 641 (2013).

⁸⁸ *Id.* at 675.

⁸⁹ *Magalang v. Spouses Heretape*, supra note 63.

⁹⁰ *Id.*

⁹¹ *Rollo*, p. 54.

discussed above, there is no identity in the subject lands. Consequently, there can be no fraud or misrepresentation if the property being applied for by respondents in the administrative proceedings were different from the property being claimed by petitioners.

Petitioners are not entitled to reconveyance.

Article 434 of the New Civil Code further provides what a complainant must prove in order to recover the property:

Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

In other words, the person who claims a better right of ownership to the property sought to be recovered must prove two things: first, the identity of the land claimed, and second, his title thereto.⁹²

As applied in this case, petitioners utterly failed to prove the identity of the land they are claiming (as extensively discussed earlier) and also their title thereto. In fact, as aptly observed by the CA; the RTC, despite ruling in favor of petitioners by declaring respondents' title to be void, appeared to be unconvinced of petitioners' claim of ownership when it ruled that the parcel of land covered by respondents' titles be reverted to public land, *to wit*:⁹³

WHEREFORE, PREMISES CONSIDERED, judgment is rendered declaring void the following:

1. Kaloob na Patente Blg. 037104 0617460 and Katibayan ng Orihinal na Titulo Blg. P-24413 issued in the name of spouses Zaldy and [Annaliza] Perez.

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15. Kaloob na Patente Blg. 037104 0617474 and Katibayan ng Orihinal na Titulo Blg. P-24427 issued in the name of spouses Danilo Bulan and Flordeliza Bulan.

The parcels of land subject of the aforesaid titles are reverted to the public domain.

SO ORDERED.⁹⁴

The decision in the forcible entry case does not constitute *res judicata* on the issue of prior possession as there is no identity of subject matter.

⁹² *Magalang v. Spouses Heretape*, supra note 60.

⁹³ Records, pp. 810-811.

⁹⁴ Emphasis supplied.

Res judicata literally means “a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment.”⁹⁵ *Res judicata* lays the rule that an existing final judgment or decree rendered on the merits, and without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit.⁹⁶

The elements of *res judicata* are:

- (1) the judgment sought to bar the new action must be final;
- (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties;
- (3) the disposition of the case must be a judgment on the merits; and
- (4) there must be as between the first and second action identity of parties, subject matter, and causes of action.⁹⁷

As applied in this case, there is no identity of subject matter. While the decision in the forcible entry case adjudicated prior possession to petitioners to a certain land, nowhere was it mentioned that the portion of land which the respondents were ordered to vacate from was the same portion of land that was subject of the administrative proceedings with the DENR and eventually titled under respondents’ names. It is entirely possible that respondents Sps. Rosca may have indeed overstepped into the bounds of petitioners’ land, but it does not follow that said petitioners’ land is one and the same with the land that respondents subsequently applied for titling to.

To reiterate what was extensively discussed earlier, the property being claimed by petitioners, as seen in the tax declarations presented by them, is different from the one titled under respondents’ names.

WHEREFORE, the Petition is **DENIED**. The December 21, 2015 Decision of the Court of Appeals in CA-G.R. CV No. 100980 which reversed and set aside the January 10, 2013 Decision of the Regional Trial Court and dismissed the complaint for reconveyance, and its June 16, 2016 Resolution denying the Motion for Reconsideration, are **AFFIRMED**.

Costs on petitioners.

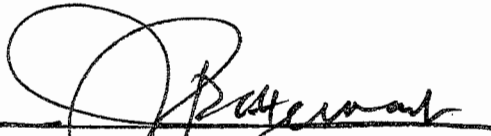
⁹⁵ *Spouses Torres v. Medina*, 629 Phil. 101 (2010).

⁹⁶ *Id.*


⁹⁷ *Id.*


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SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

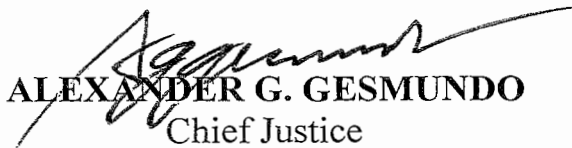
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARVIC M. V. F. LEONEN**

Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**ALEXANDER G. GESMUNDO**

Chief Justice

