



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

HEIRS OF TEODORA LOYOLA, G.R. No. 188658
represented herein by ZOSIMO L.
MENDOZA, SR.,

Petitioners,

Present:

CARPIO, *J., Chairperson,*
PERALTA,
MENDOZA,
LEONEN, and
JARDELEZA, *JJ.*

-versus-

COURT OF APPEALS AND ALICIA
R. LOYOLA,

Respondents.

Promulgated:

11 JAN 2017

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DECISION

LEONEN, J.:

This resolves a Petition for Certiorari¹ assailing the Court of Appeals' December 22, 2008 Decision² and its May 20, 2009 Resolution³ in CA-G.R. CV No. 88655. The assailed decision affirmed the Decision⁴ of Branch 3 of the Regional Trial Court, City of Balanga, which dismissed petitioners Heirs of Teodora Loyola's Complaint for annulment of free patent and original certificate of title, reconveyance of ownership and possession, and

¹ *Rollo*, pp. 3–22. The Petition was filed under Rule 65 of the Rules of Court.

² *Id.* at 30–41. The Decision was penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Rebecca de Guia-Salvador and Vicente S.E. Veloso of the Tenth Division, Court of Appeals, Manila.

³ *Id.* at 55–56. The Resolution was penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Rebecca de Guia-Salvador and Vicente S.E. Veloso of the Former Tenth Division, Court of Appeals, Manila.

⁴ *Id.* at 162–176. The Decision was penned by Judge Remegio M. Escalada, Jr.

damages.⁵ The assailed resolution denied the heirs' Motion for Reconsideration.⁶

This case involves a 4,419-square-meter parcel of land located in Lingatin, Morong, Bataan, known as Lot No. 780, Cad. 262 of the Morong Cadastre.⁷ The land is formerly a public agricultural land planted with nipa and coconut.⁸

On May 19, 2003, the Heirs of Teodora Loyola (Heirs),⁹ represented by Zosimo Mendoza, Sr. (Zosimo), filed a Complaint for annulment of free patent and original certificate of title, reconveyance of ownership and possession, and damages against respondent Alicia Loyola (Alicia).¹⁰

The Heirs claimed that the property belonged to the parents of their mother, Teodora Loyola (Teodora), who had been in possession of the property since time immemorial.¹¹ Teodora inherited the property from her parents upon their demise. In turn, when Teodora died in 1939, the Heirs inherited it from her.¹²

The Heirs insisted that they since maintained open, continuous, exclusive, and notorious possession until the present.¹³ However, Alicia was allegedly able to obtain Free Patent No. (III-14) 001627 and Original Certificate of Title No. 1782¹⁴ over the property through fraud and misrepresentation.¹⁵ Alicia was the wife of their deceased cousin Gabriel Loyola (Gabriel), who was given permission to use part of Teodora's property.¹⁶

In her Answer,¹⁷ Alicia denied the allegations of fraud and illegality on the registration of the free patent and issuance of the original certificate of title.¹⁸ She countered that the Complaint was barred by laches and prescription as the free patent was registered as early as December 1985.¹⁹

⁵ Id. at 162.

⁶ Id. at 42-52.

⁷ Id. at 30-31.

⁸ Id.

⁹ Id. at 31. The heirs of Teodora Loyola are: Zosimo Mendoza, Sr., Raymunda Mendoza, Paulina Mendoza (deceased without heirs), and Guillermo Mendoza (deceased and survived by his heirs: Guillermo Mendoza, Jr., Gil Mendoza, Gene Mendoza, Loida Mendoza-Navarro, and Luzviminda Mendoza Benedicto).

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id. at 68.

¹⁵ Id. at 32.

¹⁶ Id.

¹⁷ Id. at 80-81-A.

¹⁸ Id. at 32.

¹⁹ Id.

The case proceeded to trial.²⁰

The Heirs relied on testimonial evidence to prove their claim over the property. Zosimo testified that he and his siblings inherited the property from their mother.²¹ He admitted that their cousin Gabriel was given permission to use part of the property, but they never expected him or his wife Alicia to apply for a free patent and title over the entire property.²² Zosimo further explained that they filed the Complaint only in 2003 as after Gabriel died, they tried for several years to peacefully recover the property from Alicia, but to no avail.²³ Zosimo and his sister Paulina were also unaware of the condition of the property as they had been residing in the United States of America.²⁴


Jose Perez, their neighbor, corroborated Zosimo's testimony that Teodora was known in town as the owner of the property.²⁵ However, upon cross examination, Jose Perez admitted that Teodora had a brother, Jose Loyola, the father of Gabriel and father-in-law of Alicia.²⁶ He also admitted that he did not know if Teodora and her brother co-owned the property.²⁷

The Heirs could only present a tax declaration issued in 1948 as documentary evidence to prove their claim over the property.²⁸ Although they maintained that one of the heirs, Raymunda, had religiously paid the real estate taxes, they could not present any receipts because these were allegedly lost.²⁹

Alicia denied all the allegations of the Heirs and maintained that she and Gabriel legally and regularly obtained the free patent and the original certificate of title.³⁰

The Regional Trial Court did not rule on the merits.³¹ Instead, it dismissed the case without prejudice for failure to implead an indispensable party.³² The trial court found that the successors of one of the heirs, Guillermo Mendoza (Zosimo's deceased brother), were not impleaded as party-plaintiffs.³³ The Regional Trial Court held:

²⁰ Id.
²¹ Id.
²² Id. at 33.
²³ Id.
²⁴ Id.
²⁵ Id.
²⁶ Id.
²⁷ Id.
²⁸ Id. at 32-33.
²⁹ Id. at 33.
³⁰ Id. at 34.
³¹ Id.
³² Id.
³³ Id.



In the light of the fact that the surviving legal heirs of the deceased Guillermo Mendoza are pro-indiviso co-owners of the property in question together with the rest of the heirs of the late Teodora Loyola who, as such are indispensable parties in this case without whom no final determination can be rendered by the Court, there is no option at hand but to dismiss the Complaint for failure of plaintiffs to implead therein said indispensable parties.

As a matter of course, the Court finds no more need to delve into the merits of the case as well as the issues raised by the parties.

WHEREFORE, the Complaint is DISMISSED, but without prejudice.

No pronouncement as to costs.

SO ORDERED.³⁴

The Heirs moved for reconsideration,³⁵ but the Motion was denied in the Order dated October 30, 2006.³⁶

The Heirs then filed an appeal before the Court of Appeals questioning the dismissal.³⁷

In its Decision³⁸ dated December 22, 2008, the Court of Appeals upheld the Regional Trial Court's dismissal of the case.

The Court of Appeals found that the Regional Trial Court erred in finding that there was a failure to implead an indispensable party as the heirs of Guillermo Mendoza were not indispensable parties and judgment could be rendered without impleading them as party-plaintiffs.³⁹ It noted that in explicitly identifying themselves in the Complaint as representatives of Guillermo Mendoza and executing a Special Power of Attorney for Zosimo to represent them in the case, the heirs of Guillermo Mendoza voluntarily submitted themselves to the jurisdiction of the trial court.⁴⁰

Nevertheless, the Court of Appeals found that the evidence presented by the Heirs was insufficient to overcome the presumption of regularity of the free patent and original certificate of title issued to Alicia.⁴¹ It found that the Heirs failed to submit evidence showing that Teodora alone inherited the

³⁴ Id. at 176.

³⁵ Id. at 178–190.

³⁶ Id. at 202–203.

³⁷ Id. at 205.

³⁸ Id. at 30–41.

³⁹ Id. at 38.

⁴⁰ Id. at 35.

⁴¹ Id. at 39.

property when testimonies revealed that she had a brother. Likewise, they failed to prove that they were legally related to or were the only heirs of Teodora.⁴² They did not even prove that she had died, and that she had the power to validly transmit rights over the property to them.⁴³ Thus:

In the face of plaintiff Heirs' failure to prove that they have a right or title to the subject property, the dismissal of their complaint is in order.

WHEREFORE, the appeal is **DISMISSED** and the decision appealed from is **AFFIRMED in toto**.⁴⁴ (Emphasis in the original)

The Heirs moved for reconsideration,⁴⁵ but the Motion was denied in the Court of Appeals Resolution⁴⁶ dated May 20, 2009.

On July 24, 2009, the Heirs of Teodora Loyola filed this Petition for Certiorari.⁴⁷

Petitioners claim that the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction in going beyond the issues raised on appeal. They claim that the Court of Appeals touched on the factual findings of the Regional Trial Court although these were not even contested by respondent.⁴⁸ They insist that their appeal focused only on the procedural aspect of jurisdiction over indispensable parties. Thus, the Court of Appeals should have ruled on this matter alone.⁴⁹ Petitioners assert that in any case, they have convincingly proven their claim and allegations as to their rights over the land and that the patent issued to respondent is null and void.⁵⁰

Further, petitioners aver that the Court of Appeals failed to consider that respondent did not comply with the requirements for the issuance of a free patent and original certificate of title. According to petitioners, the Land Registration Authority, the Register of Deeds of Bataan, the Provincial Environment and Natural Resources Office (PENRO), and the Central Environment and Natural Resources Office (CENRO) all certified that they did not have the documents on the application in their respective offices.⁵¹

Petitioners likewise insist that their witnesses' testimonies show that they have been in open, continuous, exclusive, and notorious possession and

⁴² Id. at 40.

⁴³ Id. at 39.

⁴⁴ Id. at 40-41.

⁴⁵ Id. at 42-52.

⁴⁶ Id. at 55-56.

⁴⁷ Id. at 3-22.

⁴⁸ Id. at 10-13.

⁴⁹ Id.

⁵⁰ Id. at 17.

⁵¹ Id. at 15 and 17-18.

occupation of the property. Thus, they are deemed to have acquired the land by operation of law, without need of a certificate of title.⁵²

In her Comment⁵³ dated November 2, 2010, respondent Alicia R. Loyola states that she and her predecessors in-interest exclusively, adversely, and publicly possessed the property as owners since time immemorial.⁵⁴ She claims that the patent was granted after land officers investigated the land area, the improvements, the nature of her possession, and the taxes paid.⁵⁵ She alleges that after the issuance of the title, she continued to pay the taxes and introduced improvements to the land, including fruit trees she had planted, houses she and her husband had built, and the houses of their seven (7) children.⁵⁶ Respondent maintains that petitioners never resided in the land because petitioners' ancestral house was located elsewhere, as shown by their non-payment of property taxes.⁵⁷

On the claim that no record of the processing of the free patent application exists in the PENRO and the CENRO, respondent states that Amado M. Villanueva of the Department of Natural Resources - Bataan testified that the Bureau of Lands did not endorse all its records to the Department of Environment and Natural Resources.⁵⁸ Amado M. Villanueva even categorically stated that he did not find anything illegal or irregular in the issuance of the free patent and title.⁵⁹

Moreover, respondent asserts that the Court of Appeals was correct in finding that petitioners showed no documentary evidence that Teodora was the only owner of the property, and that they were her only heirs.⁶⁰

In their Reply⁶¹ dated March 11, 2011, petitioners reiterate that there is no record nor document in the proper government agencies showing that respondent validly complied with the requirements for the issuance of the patent title. Thus, this effectively overcame the presumption of regularity accorded to its issuance.⁶²

For resolution are the following issues:

First, whether the Court of Appeals gravely abused its discretion when

⁵² Id. at 17.

⁵³ Id. at 279–286.

⁵⁴ Id. at 283.

⁵⁵ Id.

⁵⁶ Id. at 284.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id. at 285.

⁶¹ Id. at 289–292.

⁶² Id. at 290.

it went beyond the issue of dismissal and ruled on the sufficiency of petitioners' evidence before the Regional Trial Court; and

Second, whether petitioners were able to sufficiently establish their title or ownership over the property.

We dismiss the Petition.

Petitioners availed themselves of the wrong remedy. They should have filed a petition for review under Rule 45 instead of a petition for certiorari under Rule 65 of the Rules of Court.

In *Microsoft Corp. v. Best Deal Computer Center Corp.*:⁶³

A special civil action for *certiorari* will prosper only if grave abuse of discretion is manifested. For an abuse to be grave the power must be exercised in an arbitrary or despotic manner by reason of passion or personal hostility. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined or act in contemplation of law. There is grave abuse of discretion when respondent acts in a capricious or whimsical manner in the exercise of its judgment as to be equivalent to lack of jurisdiction.

Petitioner asserts that respondent trial court gravely abused its discretion in denying its application for the issuance of an *ex parte* order. However, other than this bare allegation, petitioner failed to point out specific instances where grave abuse of discretion was allegedly committed. . . .

Significantly, even assuming that the orders were erroneous, such error would merely be deemed as an error of judgment that cannot be remedied by *certiorari*. As long as the respondent acted with jurisdiction, any error committed by him or it in the exercise thereof will amount to nothing more than an error of judgment which may be reviewed or corrected only by appeal. The distinction is clear: A petition for *certiorari* seeks to correct errors of jurisdiction while a petition for review seeks to correct errors of judgment committed by the court. Errors of judgment include errors of procedure or mistakes in the court's findings. Where a court has jurisdiction over the person and subject matter, the decision on all other questions arising in the case is an exercise of that jurisdiction. Consequently, all errors committed in the exercise of such jurisdiction are merely errors of judgment. *Certiorari* under Rule 65 is a remedy designed for the correction of errors of jurisdiction and not errors of judgment.⁶⁴ (Citations omitted)

Petitioners claim that the Court of Appeals committed grave abuse of discretion when it went beyond the issue of dismissal of the Complaint and

⁶³ 438 Phil. 408 (2002) [Per J. Belosillo, Second Division].

⁶⁴ Id. at 414-415.

touched on the factual findings of the Regional Trial Court. They allege that respondent did not contest the trial court's factual findings as she did not file an appellee's brief. They posit that the Court of Appeals should have just ruled on the issue of dismissal alone.⁶⁵

The Court of Appeals did not commit grave abuse of discretion in dismissing petitioners' Complaint. It had jurisdiction over the person and the subject matter of the case, and there is no showing that it whimsically or capriciously exercised this jurisdiction. At most, it may have committed an error of procedure, as petitioners question its ruling on the merits of the case and not just on the issue of dismissal for failure to implead indispensable parties.

As petitioners fail to avail themselves of the proper remedy, the Petition ought to be dismissed. Nonetheless, so as not to further delay the disposition of this case, this Court resolves the issue of whether the Court of Appeals erred in ruling on the merits of the case and not just on the issue of dismissal for failure to implead indispensable parties.

As a general rule, only matters assigned as errors in the appeal may be resolved. Rule 51, Section 8 of the Rules of Court provides:

SECTION 8. *Questions that May Be Decided.* — No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

This provision likewise states that the Court of Appeals may review errors that are not assigned but are closely related to or dependent on an assigned error.⁶⁶ The Court of Appeals is allowed discretion if it "finds that their consideration is necessary in arriving at a complete and just resolution of the case."⁶⁷

Jurisprudence has established several exceptions to this rule. These exceptions are enumerated in *Catholic Bishop of Balanga v. Court of Appeals*.⁶⁸

True, the appealing party is legally required to indicate in his brief an assignment of errors, and only those assigned shall be considered by

⁶⁵ *Rollo*, pp. 10–13.

⁶⁶ *Heirs of Durano, Sr. v. Spouses Uy*, 398 Phil. 125, 147 (2000) [Per J. Gonzaga-Reys, Third Division].

⁶⁷ *Id.*

⁶⁸ 332 Phil. 206 (1996) [Per J. Hermosisima, Jr., First Division].

the appellate court in deciding the case. However, equally settled in jurisprudence is the exception to this general rule.

“ . . . Roscoe Pound states that ‘according to Ulpian in Justinian's Digest, appeals are necessary to correct the unfairness or unskillfulness of those who judge.’ Pound comments that ‘the purpose of review is prevention quite as much as correction of mistakes. The possibility of review by another tribunal, especially a bench of judges . . . is an important check upon tribunals of first instance. It is a preventive of unfairness. It is also a stimulus to care and thoroughness as not to make mistakes.’ Pound adds that ‘review involves matters of concern both to the parties to the case and to the public. . . . It is of public concern that full justice be done to [e]very one.’ This judicial injunction would best be fulfilled and the interest of full justice would best be served if it should be maintained that . . . appeal brings before the reviewing court the totality of the controversy resolved in the questioned judgment and order apart from the fact that such full-scale review by appeal is expressly granted as a matter of right and therefore of due process by the Rules of Court.”

Guided by the foregoing precepts, we have ruled in a number of cases that the appellate court is accorded a broad discretionary power to waive the lack of proper assignment of errors and to consider errors not assigned. It is clothed with ample authority to review rulings even if they are not assigned as errors in the appeal. Inasmuch as the Court of Appeals may consider grounds other than those touched upon in the decision of the trial court and uphold the same on the basis of such other grounds, the Court of Appeals may, with no less authority, reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal. We have applied this rule, as a matter of exception, in the following instances:

- (1) Grounds not assigned as errors but affecting jurisdiction over the subject matter;
- (2) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;
- (3) *Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice;*
- (4) *Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored;*
- (5) Matters not assigned as errors on appeal but closely related to an error assigned; and
- (6) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.⁶⁹ (Emphasis supplied, citations omitted)

⁶⁹ Id. at 216–218.



Thus, the Court of Appeals has the discretion to consider the issue and address the matter where its ruling is necessary (a) to arrive at a just and complete resolution of the case; (b) to serve the interest of justice; or (c) to avoid dispensing piecemeal justice. This is consistent with its authority to review the totality of the controversy brought on appeal.

Petitioners' appeal primarily focused on the Regional Trial Court's dismissal of the Complaint for failure to implead an indispensable party.⁷⁰ Nonetheless, the Court of Appeals correctly ruled on whether petitioners were able to prove their claim. It had the discretion to properly consider this separate issue in order to arrive at a complete resolution of the case.

Ordinarily, this case should have been remanded to the Regional Trial Court to make the proper factual determination. However, due to judicial economy, or "the goal to have cases prosecuted with the least cost to the parties,"⁷¹ the Court of Appeals correctly reviewed the case in its entire context.

Moreover, petitioners are incorrect in saying that their appeal before the Court of Appeals focused only on the procedural issue of dismissal. In petitioners' Appellant's Brief dated July 2, 2007 before the Court of Appeals, one of its assigned errors reads:⁷²

5.D THE HONORABLE REGIONAL TRIAL COURT GRIEVOUSLY ERRED WHEN IT ABDICATED FROM ITS ROLE TO RULE ON THE MERITS AS IT COULD HAVE DONE RIGHTLY SO, *THUS CALLING FOR THE INTERVENTION OF THE HONORABLE COURT OF APPEALS TO CONSIDER THE FACTS AND RENDER THE PERTINENT DECISION.*

5.D.1 Considering the circumstances surrounding the instant case, *it is respectfully submitted that, after deciding on the procedural issues raised, the Honorable Court of Appeals render a decision based on the merits;*

5.D.2 Such action on the part of the Honorable Court of Appeals acquires utmost importance and urgency in view of the evident pre-judgment by the RTC of the case at hand. At the risk of sounding redundant, with but a single bold stroke, the court *a quo* brushed aside all the pleadings, all the evidence, all the testimonies, all the documents properly introduced and offered by appellants, covering a span of three (3) years;

....

⁷⁰ Id. at 221.

⁷¹ *E.I. Dupont De Nemours and Co. v. Francisco*, G.R. No. 174379, August 31, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/august2016/174379.pdf>> 9 [Per J. Leonen, Second Division].

⁷² *Rollo* pp. 229-231.

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5. D.5 Yet, the RTC decided to wash off its hands and sought an excuse on the issue of jurisdiction. Appellants, *thus request for the Honorable Court of Appeals' wisdom in so deciding the instant appeal both on technical and substantive grounds.*⁷³ (Emphasis supplied)

The prayer in their appeal states:

WHEREFORE, premises considered:

6.1 Plaintiff-Appellants respectfully pray that the assailed Decision dated 15 March 2006 and Order dated 22 November 2006 of the Honorable Regional Trial [Court] – Branch 3 (Balanag City, Bataan) in the civil case of “*Heirs of Teodora Loyola represented by Zosimo L. Mendoza, Sr. vs. Alicia R. Loyola,*” with docket no. 7732, be reversed and set aside for utter lack of merit;

6.2 Appellants further pray that, *after ruling on the merits*, the Honorable Court of Appeals grant the prayers as indicated in the appellants' Complaint, to wit –

1. Declaring as null and void ab initio Free Patent No. (III-14) 001627 and Original Certificate of Title No. 1782 of the Registry of Deeds for the Province of Bataan registered or issued in the name of defendant Alicia R. Loyola;

2. Declaring herein appellants as the true and lawful owners of the above-mentioned parcel of land covered by Free Patent No. (III-14) 001627 and Original Certificate of Title No. 1782 of the Registry of Deeds for the Province of Bataan;

3. Ordering appellee to reconvey to herein appellants the ownership and possession over the above-mentioned parcel of land covered by Free Patent No. (III-14) 001627 and Original Certificate of Title No. 1782 of the Registry of Deeds for the Province of Bataan; and

4. Ordering appellee to pay to herein appellants the amount of Two Hundred Thousand Pesos (P 200,000.00) as and for attorney's fees, plus Five Thousand Pesos (P5,000.00) per hearing as appearance fee, and other litigation expenses, and the costs of suit.

6.3 Appellants finally pray for such other just and equitable relief.⁷⁴

Petitioners prayed that the Court of Appeals rule on both the procedural and substantive issues. They sought its authority to consider the facts and evidence presented during the trial and to render a decision based on the merits.

⁷³ Id. at 230–231.

⁷⁴ Id. at 231.

Section 9 of Batas Blg. 129 grants the Court of Appeals the power to receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction:

SECTION 9. Jurisdiction. —

....

The Intermediate Appellate Court shall have the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings.

These provisions shall not apply to decisions and interlocutory orders issued under the Labor Code of the Philippines and by the Central Board of Assessment Appeals. (Emphasis supplied)

Thus, petitioners cannot now claim that the Court of Appeals exceeded its jurisdiction in ruling on the merits after consideration of the facts and evidence just because the decision was unfavorable to them. They have invoked the jurisdiction of the Court of Appeals, and thus, are now bound by it.

Petitioners assert that respondent did not controvert the factual findings of the Regional Trial Court, thus, the Court of Appeals should have accorded respect to these findings since the trial court was in the best position to consider the evidence of the parties.⁷⁵

The Regional Trial Court did not actually make any findings on any matter in favor of any party. Rather, it limited its evaluation and discussion to the issue of failure to implead indispensable parties. The Regional Trial Court Decision stated the various pieces of evidence presented by the parties, but it gave no particular weight to any of this. The trial court made no explicit conclusion as to which of the parties was more entitled to the property.⁷⁶

It is incorrect for petitioners to argue that the factual findings of the Regional Trial Court are binding when, in fact, these do not exist.

In any case, the Court of Appeals has the authority to reverse the factual findings of the Regional Trial Court if these are not in accord with evidence. In *Gonzales v. Court of Appeals*:⁷⁷

⁷⁵ Id. at 10–13.

⁷⁶ Id. at 173.

⁷⁷ 179 Phil. 149 (1979) [Per J. Guerrero, First Division].

The right of the Court of Appeals to review, alter and reverse the findings of the trial court where the appellate court, in reviewing the evidence has found that facts and circumstances of weight and influence have been ignored and overlooked and the significance of which have been misinterpreted by the trial court, cannot be disputed.⁷⁸

Petitioners insist that respondent has no rights over the land. They insist that she committed fraud.⁷⁹ According to petitioners, the Land Registration Authority, the Register of Deeds of Bataan, the PENRO, and the CENRO certified that the documents of respondent's application could not be found in their respective offices.⁸⁰ Petitioners posit that these certifications show that respondent did not comply with the requirements for the issuance of a free patent or title.⁸¹

However, these certifications contain no explicit statement that respondent did not comply with the requirements for patent application.⁸² What was certified, rather, was that the requested documents were not to be found in their particular office.⁸³ Some of these certifications even refer to other offices where the documents may be found.⁸⁴ There is no categorical statement that the documents do not exist.

Such certifications are not enough to prove respondent's alleged fraud and irregularity.

Fraud and irregularity are presupposed in an action for reconveyance of property.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 Allegations of fraud are not enough.⁸⁷ "Intentional acts to deceive and deprive another of his right, or in some manner injure him, must be specifically alleged and proved."⁸⁸ In the absence of any proof, the complaint for reconveyance cannot be granted.

Furthermore, we sustain the Court of Appeals' finding that petitioners

⁷⁸ Id. at 172-174.

⁷⁹ *Rollo*, p. 20.

⁸⁰ Id. at 18.

⁸¹ Id. at 17.

⁸² Id. at 70-78.

⁸³ Id.

⁸⁴ See Certification dated August 19, 2002 of the Registry of Deeds, Balanga, Bataan (Id. at 70); Letter dated August 21, 2002 of the Land Registration Authority, Quezon (Id. at 71); Letter dated September 3, 2002 of the PENRO, Balanga, Bataan (Id. at 73); Letter dated December 4, 2002 of the Lands Management Bureau (Id. at 75); Letter dated January 28, 2003 of the DENRR-NCR (Id. at 76); Letter dated November 15, 2002 of the PENRO, Balanga, Bataan (Id. at 78).

⁸⁵ *Heirs of Brusas v. Court of Appeals*, 372 Phil. 47, 55 (1999) [Per J. Bellosillo, Second Division].

⁸⁶ Id.

⁸⁷ Id. at 58.

⁸⁸ Id.

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failed to adequately prove their claim over the property against respondent. The testimonies of their witnesses and the tax declaration issued in 1948 without tax receipts are not sufficient to overcome the presumption of validity of patents and titles as well as the presumption of regularity of the performance of official duties of the government offices responsible for the issuance.

There is no evidence of any anomaly or irregularity in the proceedings that led to the registration of the land. Tax declarations and tax receipts “are not conclusive evidence of ownership or of the right to possess land, in the absence of any other strong evidence to support them. . . . The tax receipts and tax declarations are merely *indicia* of a claim of ownership.”⁸⁹

Petitioners failed to show that Teodora Loyola is the only heir to the property. Testimonies revealed that she has a brother. Likewise, petitioners failed to show that they are the only heirs of Teodora Loyola.

Failing to prove their title over the property, petitioners cannot rightfully claim that they have been fraudulently deprived of the property.

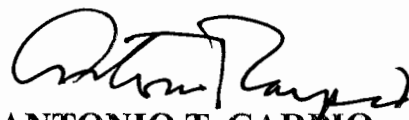
WHEREFORE, premises considered, this Court resolves to **DISMISS** the Petition. The December 22, 2008 Decision and May 20, 2009 Resolution of the Court of Appeals in CA-G.R. CV No. 88655 are hereby **AFFIRMED**.

SO ORDERED.

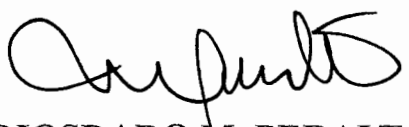


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

⁸⁹ Id. at 55.



FRANCIS H. JARDELEZA
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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

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.



MARIA LOURDES P. A. SERENO
Chief Justice