SECOND DIVISION

[G.R. No. 208586. June 22, 2016]

HEIRS OF DATU MAMALINDING MAGAYOONG, represented by DR. MAIMONA MAGAYOONG-PANGARUNGAN with her spouse DATU SA MARAWI RASID PANGARUNGAN, and DR. ANISHA[*] MAGAYOONG-MACABATO with her spouse DATU KHALIQUZZAMAN MACABATO, *petitioners, vs.* **HEIRS OF CATAMANAN MAMA, represented by HASAN MAMA,** *respondents.*

SYLLABUS

CIVIL LAW; LAND TITLES; CASE OF OVERLAPPING OF BOUNDARIES; REAL PROPERTY SUBJECT OF THE PRESENT ACTION MUST BE IDENTIFIED WITH CERTAINTY; CASE REMANDED TO THE RTC FOR RELOCATION SURVEY.— Considering that the real property subject of the present action was never identified with certainty, we remand the present case to the RTC for the conduct of a relocation survey by a team of surveyors to determine the identity of the land claimed by petitioners and respondents. *Survey* is the process by which a parcel of land is measured and its boundaries and contents ascertained; also a map, plat or statement of the result of such survey, with the courses and distances and the quantity of the land. A case of overlapping of boundaries or encroachment depends on a reliable, if not accurate, verification survey. The Manual for Land Surveys in the Philippines (MLSP) provides for the following rules in conducting relocation surveys: Section 593 – The relocation of corners or re-establishment of boundary lines shall be made using the bearings, distances and areas approved by the Director of Lands or written in the lease or *Torrens title.* Section 594 – The data used in monumenting or relocating corners of approved surveys shall *be submitted to the Bureau of Lands for verification and approval*. New corner marks set on the ground shall be accurately described in the field notes and

[*] Also referred to in some parts of the records as Dr. Anisah Magayoong-Macabato.

indicated on the original plans on file in the Bureau of Lands. The team of surveyors shall be composed of a surveyor designated by the petitioners, a surveyor designated by the respondents, and a surveyor designated by the RTC. The survey shall be conducted in the presence of both parties and/or their authorized representatives. The cost of the survey shall be jointly shouldered by both parties.

APPEARANCES OF COUNSEL

Daud R. Calala for petitioners.
Public Attorney's Office for respondents.

D E C I S I O N

CARPIO, *J.*:

The Case

G.R. No. 208586 is a petition for review[1] assailing the Decision[2] promulgated on 25 September 2012 as well as the Resolution[3] promulgated on 10 July 2013 by the Court of Appeals (CA) in CA-G.R. CV No. 01867-MIN. The CA reversed and set aside the Decision dated 25 March 2009[4] of Branch 9 of the Regional Trial Court of Lanao del Sur (RTC) in Civil Case No. 1073-93.

In its 25 March 2009 Decision, the RTC rendered judgment in favor of petitioners Heirs of Datu Mamalinding Magayoong (petitioners) and against respondents Heirs of Catamanan Mama (respondents). The RTC quieted petitioners' title over the land described in their complaint and ordered respondents to pay damages to petitioners.

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[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] *Rollo*, pp. 47-59. Penned by Associte Justice Edgardo A. Camello, with Associate Justices Marilyn B. Lagura-Yap and Renato C. Francisco concurring.

[3] *Id.* at 87-89. Penned by Associte Justice Edgardo A. Camello, with Associate Justices Renato C. Francisco and Oscar V. Badelles concurring.

[4] *Id.* at 269-290. Penned by Acting Presiding Judge Lacsamana M. Busran.

In its 25 September 2012 Decision, the CA granted respondents' appeal and set aside the RTC's decision. The CA dismissed petitioners' complaint for lack of cause of action.

The Facts

The CA recited the facts as follows:

> The disputed piece of land at Lilod-Madaya, Marawi City is —
>
> > A portion of Cadastral Lot No. 38 of the Dansalan Cadastre, at the southeast corner of said lot; bounded on the South, by Mamalampac Ander, measuring 17 meters, more or less; on the North, by City Road to Dilay, measuring 17 meters, more or less; on the East, by lot of Amai M[e]ring, measuring 30 meters, more or less; and on the West, by Road and Lot of Moslem Ayo [part of Lot No. 38] measuring 30 meters, more or less; [or a total area of 510 sq. meters, more or less;] assessed at ₱800.00; and covered by T.C.T. No. [T-]254; x x x.
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> Sometime in 1963, Datu Muslim Ayo executed a "Deed of Absolute Sale" of the disputed property in favor of Datu Mamalinding Magayoong for the price of ₱800.00. Some three years later, the corresponding Original Certificate of Title [OCT] No. P-189 dated 18 November 1966 was issued in the name of Mamalinding Magayoong.
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> On 4 September 1985, Datu Mamalinding Magayoong died intestate. Before he died, though, he declared that the disputed property must be preserved and reserved for his daughters, petitioners-appellees Maimona and Anisah.
>
> On 5 September 1985, Baih Dinganoman Magayoong filed with the Regional Trial Court [RTC], Branch IX of Lanao del Sur a Petition for Perpetuation of Testimony of Datu Mamalinding Magayoong regarding the property.
>
> Petitioners-appellees Maimona Magayoong, married to Rasid Pangarungan, and Anisah Magayoong, married to Khaliquzaman Macabato occupied the property, where they both built their homes. Sometime in 1980, Maimona and her husband started a clinic in that lot, the Mamalinding Memorial Specialist Clinic.
>
> On 17 September 1993, respondents-appellants, the heirs of Catamanan Mama sent a letter demanding that petitioners vacate

the property and to pay accrued rent. Attached to the letter was an Alias Writ of Execution dated 4 September 1979 in Civil Case No. 1953 for Partition of Real Property entitled *Maroki Asar Ayo Munder versus Muslim Ayo*.

On 24 September 1993, petitioners filed Civil Case No. 1073-93 before Branch IX of the Regional Trial Court of Marawi City against the heirs of Catamanan Mama for Quieting of Title over the property.

Petitioners aver that they are the actual possessors of the subject property since 1963. In fact, in 1981, they mortgaged it with the Calawi-Bacolod Rural Bank for the sum of ₱10,000.00 to develop the medical clinic built on the property.

In their Answer, respondents stated that the subject property was a portion of Lot 38 covered by OCT No. RO-918[N.A.] in the name of Muslim Ayo. They further stated that Mamalinding Magayoong purchased a residential property from Muslim Ayo which apparently was part of Lot 38 under Transfer Certificate of Title [TCT] No. [T-]254 and registered in the name of Daria [sic] Adiong. Mamalinding Magayoong obtained title to the property under OCT No. RO-918[N.A.].

A partition proceeding was instituted by Maroki Asar Ayo Munder before the Court of First Instance of Lanao del Sur, Branch 1 and docketed as Civil Case No. 1953. Lot 38 was partitioned between Muslim Ayo [Lot 38-A], Maroki Ayo [Lot 38-B], and Babai Asar Ayo [Lot 38-C]. The land in question is a portion of Lot 38-C. If at all, respondents aver, petitioners' possession of their portion of the property was by mere tolerance of their predecessors-in-interest.

On 25 November 1993, there being no stipulation of facts and no request for admissions, the trial court issued an order declaring the pre-trial terminated.

On 28 February 1994, in view of respondents' admission of the material facts in their answer, petitioners moved for judgment on the pleadings. The trial court rendered its 14 November 1994 decision granting petitioners' motion for judgment on the pleadings and upholding petitioners' position. Respondents moved for reconsideration but it was denied in an order dated 20 March 1995. Unperturbed, respondents filed their notice of appeal from the trial court's decision.

On 29 December 1999, the Court of Appeals, Manila rendered its decision, to wit:

> WHEREFORE, the decision appealed from is SET ASIDE and this case is REMANDED to the lower court for reception of the evidence of the parties.
>
> SO ORDERED.

Hence, trial ensued in the lower court. After the parties submitted their memoranda, the case was submitted for decision.[5]

The RTC's Ruling

The RTC issued the assailed decision dated 25 March 2009 and ruled in favor of petitioners. The RTC ruled that the evidence proved that petitioners are the owners of the subject land. The RTC stated:

> As copiously borne by the records, petitioners have preponderantly, if not overwhelmingly, shown that they are the absolute, lawful and true owner [sic] of the parcel of land described in their petition with an area of Five Hundred Ten (510) square meters and covered by OCT No. P-189 (Exhibits "C", "C-1" and "C-2") issued by the Register of Deeds of Marawi City in the name of the late Mamalinding F. Magayoong in 1966. Said property was acquired by the late Mamalinding Magayoong by purchase from its former owner, Muslim Ayo, as evidenced by a Deed of Absolute Sale of a Portion of a Residential Lot (Exhibits "A" and "A-1" to "A-9") which described with particularity its technical descriptions and boundaries, with its exact location and portion being clearly underscored and delineated in the sketch plan (Exhibit "A-9") drawn and/or found at the dorsal side of said deed of sale.[6]

The RTC further considered that the following facts and circumstances, taken together, prove that petitioners' predecessor-in-interest had exercised right of ownership over the subject property.

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[5] *Id.* at 47-50.

[6] *Id.* at 280.

"[I]n 1963, he immediately took possession thereof and occupied it openly, publicly, adversely and uninterruptedly by having it fenced with hollow blocks and had constructed a house thereon which has long been used up to the present to house the Mamalinding Specialists' Clinic established by him for his daughters Dra. Maimona Magayoong-Pangarungan and Dra. Anisah Magayoong-Macabato. He had it declared for taxation purposes as shown by the Tax Declarations marked as Exhibits "D", "D-1", "D-2" and "D-3"; and thereafter, he paid the corresponding realty taxes thereon as shown not only by the Official Receipts marked as Exhibits "E," "E-1," "E-2," "E-3," "E-4," "E-5," "E-6," "E-7," "E-8," "E-9," and "E-10," but also by the Tax Clearance marked as Exhibit "F." Moreover, he had it, at one time, mortgaged with the Calawi-Bacolod Rural Bank as a security for a ₱10,000.00 loan he obtained from said bank sometime in 1981 or 1982. As further indicia of possession and ownership over the property in question, the late Mamalinding Magayoong and Denganuman Magayoong (petitioners' parents and predecessors-in-interest) were even interred on the same parcel of land. Above all, their possession of said property was never disturbed for more than thirty (30) years by anybody, much less the respondents. All these facts and circumstances, taken together, deafeningly and eloquently speak of the stark truth that petitioners' predecessors-in-interest were the true and legitimate owners of the parcel of land in question.[7]

The RTC pointed out that the land referred to as covered by TCT No. T-254 in the deed of sale is not the same land referred to as TCT No. T-254 registered in the name of Diaria Adiong.

Respondents' protestation, however, cannot be taken hook, line, and sinker so to speak. Transfer Certificate of Title (TCT) No. T-254 (Exhibit "2") clearly shows on it [sic] face that it was issued only on October 12, 1967, or almost four (4) years after the aforesaid deed of sale (Exhibits "A" and "3") was executed on November 19, 1963, and it covers a parcel of land located at the Dansalan Townsite with an area of Three Hundred Eighteen (318) square meters. Clearly and undoubtedly, at the time of the execution of the aforesaid deed of sale dated November 19, 1963 by and between Muslim Ayo and the late Mamalinding Magayoong, TCT No. T-254 was not yet existing as it was not yet issued. Besides, the area of the land as reflected

[7] *Id.* at 281.

in TCT No. T-254 is only 318 square meters, whereas the area of the land sold under the aforesaid deed of sale dated November 19, 1963 was 510 square meters. Thus, no other logical conclusion can be drawn from the aforesaid discrepancies than the fact that Muslim Ayo and Mamalinding Magayoong did not have in mind TCT No. T-254 at the time they executed the aforesaid deed of sale dated November 19, 1963.[8]

The RTC considered respondents' attempt to cast doubt on the propriety of the deed of sale as an indirect attack on OCT No. P-189 issued to petitioners' predecessor-in-interest, Mamalinding Magayoong, by the Register of Deeds of Marawi City on 18 November 1966.

The RTC also dismissed respondents' presentation of an Alias Writ of Execution of a decision for the partition of Lot No. 38 in Civil Case No. 1953. The decision was rendered on 2 June 1971, and the Alias Writ of Execution was dated 4 September 1979. Respondents, however, did not register the writ of execution with the Register of Deeds and did not annotate it on OCT No. P-189. Moreover, respondents never filed an action for reconveyance within 10 years from the date of registration of the deed of sale, or the date of the issuance of the certificate of title over the subject property. The deed of sale was executed on 19 November 1963, and registered on 2 June 1964. OCT No. P-189 was issued to Mamalinding Magayoong on 18 November 1966.

Finally, the RTC ruled that petitioners proved by preponderance of evidence that they are entitled to moral and exemplary damages, as well as attorney's fees. The dispositive portion of the RTC's decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the petitioners and against the respondents, as follows:

1. Quieting petitioners' title over the parcel of land described in their petition dated September 22, 1993 and removing any cloud of doubt that may be cast upon it; and

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[8] *Id.* at 282.

2. Ordering the respondents, particularly Hassan Mama, to pay petitioners the sum of ₱100,000.00 by way of moral damages, ₱50,000.00 as attorney's fees and litigation expenses, and ₱20,000.00 by way of exemplary damages.

SO ORDERED.[9]

Respondents filed their appellants' brief dated 25 November 2009 through the Public Attorney's Office.

The CA's Ruling

The CA granted respondents' appeal and reversed the RTC's 25 March 2009 Decision. The CA rejected the RTC's ruling that petitioners' complaint qualified as one for quieting of title.

> At the outset, it must be stated that had the lower court thoroughly considered the complaint filed, it would have had no other course of action under the law but to dismiss it. Petitioners went no further than to allege in their complaint before the trial court that they received a letter with an attached Writ of Execution from the respondents demanding that they vacate and surrender the property and to pay accrued rentals. The allegation is vague and unconvincing. The trial court could not be reasonably expected to supply the missing details in their complaint. The complaint failed to allege that an "instrument, record, claim, encumbrance or proceeding" beclouded the petitioners' title over the property involved.
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> They then proceeded to claim that the writ of execution could not be enforced as they were not made a party to the case and prayed, aside from removing clouds on their title, for damages and litigation costs. Hence, through their allegations, what petitioners imagined as clouds cast on their title to the property were respondents' alleged act of ejecting them from their purported property. Clearly, the acts alleged may be considered grounds for a petition for certiorari but definitely not one for quieting of title.[10]

The CA ruled that petitioners do not have the requisite title to avail themselves of the remedy of quieting of title. Petitioners claim ownership of the subject property through the deed of

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[9] *Id.* at 290.

[10] *Id.* at 52-53.

sale between Muslim Ayo and Mamalinding Magayoong and through OCT No. P-189 registered in Mamalinding Magayoong's name. The CA emphasized that the RTC ignored an irregularity in the transaction involving the subject property. The property described in the deed of sale was allegedly covered by a TCT No. T-254, but Mamalinding Magayoong, the petitioners' predecessor-in-interest, registered the property as OCT No. P-189. The CA also found a disparity between the boundaries of the land described in the deed of sale and the boundaries of the land described in OCT No. P-189.

First, it must be remembered that petitioners staunchly claimed that their ownership to the disputed property can be traced to Mamalinding Magayoong who bought the property for ₱800.00 from Muslim Ayo as evidenced by the 19 November 1963 deed of sale. That instrument states that the subject land was a portion of Lot 38 and covered by TCT No. [T-]254. They allege private ownership, as evidenced by the deed of sale. It must also be emphasized that petitioners are asserting that subsequent to the sale, their predecessor was issued a title to the same property and this time covered by OCT No. P-185 [sic]. The records do not show, that it was ever an alienable land of the public domain. Clearly, the Original Transfer Certificate of Title [sic] must then be void because based on the deed of sale, Lot 38 is a private land covered by TCT No. [T-]254 which, therefore, can no longer be the subject of a free patent.

Second, the description of the disputed property as found in the deed of sale does not coincide with the technical description of the land covered by OCT No. P-185 [sic], to wit:

Deed of Sale:

> A portion of Cadastral Lot No. 38 of the Dansalan Cadastre, at the southeast corner of said lot; bounded on the South, by Mamalampac Ander, measuring 17 meters, more or less; on the North, by City Road to Dilay, measuring 17 meters, more or less; on the East, by Lot of Amai M[e]ring, measuring 30 meters, more or less; and on the West, by Road and Lot of M[o]slem Ayo [part of Lot No. 38] measuring 30 meters, more or less; [or a total area of 510 sq. meters, more or less;] assessed at ₱800.00; and covered by T.C.T. No. [T-]254; x x x.

OCT No. P-185 [sic]:

> Beginning at a point marked "1" of Lot No. 38-C, on Plan Csd-9914, being S.67-02A., 298.02 m. from B.L.L.M. #1, Dansalan Cadastre, Q-124, thence S.42-21E., 36 m. to point 2; S.57-06 W., 17 m. to point 3; N.42-20W., 29.99 m. to point 4; N.57-09E.; 17.01 m. to point 1, point of beginning.
>
> Containing an area of FIVE HUNDRED AND THREE [503] SQUARE METERS.
>
> All points referred to are indicated on the plan and are marked on the ground as follows: point 2, by Old B.L. Cyl. Conc. Mon.; and the rest by B.L. Cyl. Conc. Mons.
>
> Bounded on the NE., along line 1-2 by the Heirs of Datu Uralin Cunasala [Lot 39, Dansalan Cad., Q-124]; on the SE., along line 2-3 by Heirs of Datu Mamalampak [Lot 51 Dansalan Cad. . . ., along lines 3-4-1 by Asar Inai Musl[e]m [Lot 38-B, Csd-9914].
>
> Bearings true.
>
> This lot was surveyed in accordance with law and existing regulations promulgated thereunder by Gaudencio M. Camallere, Public Land Surveyor, on June 10, 1965, and approved on September 8, 1966.[11]

The CA further stated that petitioners' payment of real property taxes on the subject land for more than 30 years does not prove ownership. The CA reiterated that petitioners are not holders of any legal or equitable title of the subject property, and they failed to meet this requisite for an action to quiet title. The dispositive portion of the CA's decision reads:

> FOR THE REASONS STATED, the appeal is GRANTED. The decision of the Regional Trial Court of Lanao del [Sur], Branch 09 dated 25 March 2009 is REVERSED and SET ASIDE, and a new judgment will be entered in Civil Case No. 1073-93 dismissing the complaint for lack of cause of action.[12]

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[11] *Id*. at 54-46. The CA repeatedly referred to OCT No. P-189 as "OCT No. P-185."

[12] *Id*. at 58.

Petitioners filed a Motion for Reconsideration[13] dated 22 October 2012. The CA denied the motion in a Resolution[14] dated 10 July 2013.

The Issues

Petitioners enumerated the following grounds warranting allowance of their petition:

1. With all due respect, it is humbly submitted that the Honorable Court of Appeals has overlooked factors of substance and value which, if considered in their best lights, would affect the decision herein sought to be reconsidered.
2. With all due respect, it is also humbly submitted that the Honorable Court of Appeals has erred in finding that herein petitioners do not have the requisite title to pursue an action for quieting of title.
3. With all due respect, it is likewise humbly submitted that the Honorable Court of Appeals has erred in finding that herein petitioners failed to establish the identity of the land sought to be quieted.
4. With all due respect, it is also humbly submitted that the Honorable Court of Appeals has erred in not finding that herein petitioners are the absolute owners and possessors of the land in dispute.
5. With all due respect, it is likewise humbly submitted that the Honorable Court of Appeals has erred in reversing and setting aside the decision dated March 25, 2009 of the Regional Trial Court of Lanao del Sur, Branch 09 in Civil Case No. 1073-93, and in dismissing said complaint.[15]

The Court's Ruling

We remand the case to the RTC for the conduct of a relocation survey to identify the metes and bounds of the subject property,

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[13] *Id*. at 60-74.

[14] *Id*. at 87-89.

[15] *Id*. at 26-27.

which is referred to by petitioners as the lot covered by TCT No. T-254 and previously registered as OCT No. P-189, and by respondents as a portion of Lot No. 38-C, or "a portion of Lot 38 covered by OCT No. RO-918 [N.A.]."

Petitioners have been occupying a particular piece of land since 1963, or for more than half a century. However, the evidence submitted by petitioners does not clearly identify the land being claimed.

The CA's finding of fact recites the technical description of the subject land. The deed of sale refers to the subject land as follows:

> A portion of Cadastral Lot No. 38 of the Dansalan Cadastre, at the southeast corner of said lot; bounded on the South, by Mamalampac Ander, measuring 17 meters, more or less; on the North, by City Road to Dilay, measuring 17 meters, more or less; on the East, by Lot of Amai Mering, measuring 30 meters, more or less; and on the West, by Road and lot of Moslem Ayo (part of Lot No. 38) measuring 30 meters, more or less; or a total area of 510 sq. meters, more or less; assessed at ₱800.00; and covered by T.C.T. No. [T-]254; the sketch of the portion sold is further made at the back of this instrument and forming part and parcel of this deed[.][16]

On the other hand, OCT No. P-189, covered by Free Patent No. 320224 and dated 18 November 1966, refers to the following land:

> Lot No. 38-C, Csd-9914
>
> Beginning at a point marked "1" of Lot No. 38-C, on Plan Csd-9914, being S.67-02A., 298.02 m. from B.L.L.M. #1, Dansalan Cadastre, Q-124, thence S.42-21 E., 36 m. to point 2; S.57-06 W., 17 m. to point 3; N.42-20 W., 29.99 m. to point 4; N.57-09 E; 17.01 m. to point 1, point of beginning.
>
> Containing an area of FIVE HUNDRED AND THREE (503) SQUARE METERS.
>
> All points referred to are indicated on the plan and are marked on the ground as follows: point 2, by Old B.L. Cyl. Conc. Mon.; and the rest by B.L. Cyl. Conc. Mons.

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[16] *Id.* at 176.

Bounded on the NE., along line 1-2 by the Heirs of Datu Uralin Cunasala (Lot 39, Dansalan Cad., Q-124); on the SE., along line 2-3 by Heirs of Datu Mamalampak (Lot 51, Dansalan Cad. x x x), along lines 3-4-1 by Asar Inai Muslem (Lot 38-B, Cad-9914).

Bearings true.

This lot was surveyed in accordance with law and existing regulations promulgated thereunder by Gaudencio M. Camallere, Public Land Surveyor, on June 10, 1965, and approved on September 8, 1966.

Note: Lot 38-C is identical to Lot 5005 Dansalan Cadastre, Q-124, and is covered by FPA-VII-5-1211.[17]

Conduct of a Relocation Survey

Considering that the real property subject of the present action was never identified with certainty, we remand the present case to the RTC for the conduct of a relocation survey by a team of surveyors to determine the identity of the land claimed by petitioners and respondents.

Survey is the process by which a parcel of land is measured and its boundaries and contents ascertained; also a map, plat or statement of the result of such survey, with the courses and distances and the quantity of the land. A case of overlapping of boundaries or encroachment depends on a reliable, if not accurate, verification survey. To settle the present dispute, the parties agreed to the conduct of a relocation survey. The Manual for Land Surveys in the Philippines (MLSP) provides for the following rules in conducting relocation surveys:

> Section 593 — The relocation of corners or re-establishment of boundary lines shall be made using the bearings, distances and areas approved by the Director of Lands or written in the lease or *Torrens title.*
>
> Section 594 — The data used in monumenting or relocating corners of approved surveys shall *be submitted to the Bureau of Lands for verification and approval.* New corner marks set on the ground shall be accurately described in the field notes

[17] *Id.* at 180.

and indicated on the original plans on file in the Bureau of Lands.[18] (Italicization in the original)

The team of surveyors shall be composed of a surveyor designated by the petitioners, a surveyor designated by the respondents, and a surveyor designated by the RTC. The survey shall be conducted in the presence of both parties and/or their authorized representatives. The cost of the survey shall be jointly shouldered by both parties.[19]

WHEREFORE, the Decision promulgated on 25 September 2012 and the Resolution promulgated on 10 July 2013 by the Court of Appeals in CA-G.R. CV No. 01867-MIN are **SET ASIDE**. The case is **REMANDED** to the Regional Trial Court of Lanao del Sur, Branch 9, for the conduct of a relocation survey to determine the property subject of this case, and thereafter to decide the case accordingly.

SO ORDERED.

Brion, Mendoza, and *Leonen, JJ.,* concur.

Del Castillo, J., on official leave.

THIRD DIVISION

[G.R. No. 208759. June 22, 2016]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **DIONE BARBERAN AND DIONE DELOS SANTOS,** *accused-appellants.*

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[18] *Heirs of Margarito Pabaus v. Heirs of Amanda Yutiamco,* 670 Phil. 151, 164 (2011). Citations omitted.

[19] See *Sps. Leon Casimiro & Pilar Pascual v. Court of Appeals*, 445 Phil. 239 (2003).