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SECOND DIVISION

[G.R. No. 126875. August 26, 1999]

HEIRS OF MARIANO, JUAN, TARCELA and JOSEFA, all surnamed BRUSAS, *petitioners, vs.* **COURT OF APPEALS and HEIRS OF SPOUSES INES BRUSAS and CLETO REBOSA,** *respondents.*

SYNOPSIS

Petitioners are heirs of Juan, Mariano, Tarcela and Josefa, all surnamed Brusas. They claimed that the disputed property, formerly a public land, was part of the 33-hectare land in the actual physical possession of their grandfather Sixto Brusas since 1924. Sometime in 1946, Sixto caused the property to be surveyed in the name of his five children, namely, Juan, Ines, Mariano, Tarcela and Josefa. The property was denominated as Lots 1, 2, 3 and 4, and subdivided among five children. In 1968, Ines applied for and was granted a free patent over Lots 1 and 2 and OCT No. 23356 was issued in her name. This triggered a controversy among the Brusas siblings. Respondent Ines Brusas filed a complaint for reconvey of six (6) hectares of land, while the Petitioners Heirs of Mariano, Juan, Josefa, and Tarcela countered by instituting an action for reconveyance imputing fraud, misrepresentation and bad faith to Ines in using forged affidavit to obtain title over Lots 1 and 2 despite full knowledge that she owned only 1/5 portion thereof. The lower court dismissed the complaint filed by Ines Brusas and declared Lots 1 and 2 as *pro-indiviso* property property of the Brusas siblings and Ines was ordered to reconvey to her brothers and sisters their respective shares in the disputed property. However, on appeal to the Court of Appeals, the same was reversed and set aside ordering the petitioner to vacate the land and to deliver possession thereof to the respondents. Hence, this appeal by petitioners, with the issue of who are the rightful owners of the disputed property: the heirs whose claim of ownership is evidenced by a survey and subdivision plan, or the heirs whose claim of ownership flows from an original certificate of title. The alleged fraud on the part of Ines in causing the registration of the disputed land under her name is also in issue.

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The Certificate of Title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. Hence, survey and subdivision plans are inferior proofs of ownership that cannot prevail as against an original certificate of title. Then, the alleged misrepresentation on the part of Ines in her application for free patent has not been sufficiently substantiated. Intentional actions to deceive and deprive another of his right, or in some manner injure him, must be specifically alleged and proved. Here, there was an affidavit of waiver in favor of Ines and this is a *prima facie* evidence of the facts stated therein. Petitioners cannot now impugn its validity by mere self-serving allegations. Further, in granting the application of Ines, it is presumed that the Bureau of Lands regularly performed its official duties.

SYLLABUS

1. **CIVIL LAW; LAND TITLES; LAND REGISTRATION; CERTIFICATE OF TITLE; ELUCIDATED.** — It is a fundamental principle in land registration that the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. A title once registered under the Torrens System cannot be defeated even by adverse, open and notorious possession; neither can it be defeated by prescription. It is notice to the whole world, and as such all persons are bound by it and no one can plead ignorance of the registration. The real purpose of the Torrens System of land registration is to quiet title to land and stop forever any question as to its legality. Once a title is registered the owner may rest secure without the necessity of waiting in the portals of the court, or sitting on the *mirador de su casa*, to avoid the possibility of losing his land. Indeed, titles over lands under the Torrens system should be given stability for on it greatly depends the stability of the country's economy. *Interest reipublicae ut sit finis litium.*

2. **ID.; ID.; ID.; PROPERTY WRONGFULLY REGISTERED IN THE NAME OF ANOTHER; REMEDY.** — The landowner whose property has been wrongfully or erroneously registered in another's name has a remedy in law. When a person obtains a certificate of title to a land belonging to another and he has full knowledge of the rights of the true owner, he is considered

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guilty of fraud. He may then be compelled to transfer the land to the defrauded owner so long as the property has not passed to the hands of an innocent purchaser for value. However, an action for reconveyance presupposes the existence of a defrauded party who is the lawful owner of the disputed property. It is thus essential for petitioners to prove by clear and convincing evidence their *title* to the property, and the *fact of fraud* committed by Ines Brusas in registering their property in her name. This, they miserably failed to do.

3. **ID.; ID.; SURVEY AND SUBDIVISION PLAN, TAX RECEIPTS AND DECLARATIONS; NOT PROOF OF OWNERSHIP.** — The survey and subdivision plan submitted in evidence by petitioners are inferior proofs of ownership and cannot prevail against an original certificate of title. Also, 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.

4. **ID.; ID.; APPLICATION FOR FREE PATENT; ALLEGATION OF FRAUD; NOT ESTABLISHED.** — Ines Brusas allegedly misrepresented in her application for free patent that she was the only claimant of the disputed property, without disclosing that her other brothers and sisters were claiming portions that supposedly belonged to them. Mere allegations of fraud are not enough. Intentional acts to deceive and deprive another of his right, or in some manner injure him, must be specifically alleged and proved. The affidavit of waiver in favor of Ines, being a public document duly acknowledged before a notary public, under his hand and seal, with his certificate thereto attached, is *prima facie* evidence of the facts stated therein. Petitioners cannot impugn its validity by mere self-serving allegations. There must be evidence of the clearest and most satisfactory character. Correlatively, in granting the application of Ines Brusas for free patent, the Bureau of Lands enjoyed the presumption of regularity in the performance of its official duties. This presumption has not been rebutted by petitioners as there was likewise no evidence of any anomaly or irregularity in the proceedings which led to the registration of the land.

5. **REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT OF COURT OF APPEALS, RESPECTED; EXCEPTIONS; NONE PRESENT IN CASE AT BAR.** — We are not trier of

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facts, we generally rely upon and are bound by the conclusions of the lower courts, which are better equipped and have better opportunity to assess the evidence first-hand, including the testimony of witnesses. We have consistently adhered to the rule that findings of the Court of Appeals are final and conclusive, and cannot ordinarily be reviewed by this Court as long as they are based on substantial evidence. Among the exceptions to this rule are: (a) when the conclusion is grounded entirely on speculations, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) where there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of facts are conflicting; and, (f) when the Court of Appeals, in making its findings, goes beyond the issues of the case and the same is contrary to the admissions of both the appellant and appellee. We emphasize that none of these exceptions is present in this case.

APPEARANCES OF COUNSEL

Pardalis, Navarro & Sales for petitioners.
Esteban R. Abonal for private respondents.

D E C I S I O N

BELLOSILLO, *J.*:

This is a bitter dispute spanning more than two (2) decades of protracted legal entanglements and deep-seated enmity among the protagonists, even descending to their children, each claiming ownership over a 19-hectare land located in San Francisco, Baao, Camarines Sur. In view of the prolonged litigation, the original parties have since died and are now substituted by their heirs.

Petitioners, heirs of Juan, Mariano, Tarcela and Josefa, all surnamed Brusas, claimed that the disputed property, formerly a public land, was part of the 33-hectare land in the actual physical possession of their grandfather Sixto Brusas since 1924, having inherited the same from their great grandfather Pedro Brusas. Sometime in 1946 Sixto Brusas caused the property to

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be surveyed in the name of his five (5) children, namely, Juan, Ines, Mariano, Tarcela and Josefa. The survey was approved as Psu-116520.[1] As indicated in the survey plan the property was traversed by the Barit River, and the eastern portion thereof with an aggregate area of 19.8992 hectares was denominated as Lots 1 and 2, while the western portion measuring 13.2439 hectares was designated as Lots 3 and 4. In the same year, the property was subdivided among the five (5) children of Sixto Brusas. The partition was made lengthwise so that each heir would have access to the river and, as was the custom of the place, the distribution was made according to their age: the southernmost lot was assigned to Juan being the eldest, followed successively by Ines, Mariano, Tarcela and Josefa.[2] All of them purportedly took immediate possession of their respective shares.

On 17 July 1968 Ines Brusas applied for and was granted a free patent over Lots 1 and 2 of Psu-116520 with an aggregate area of 19.8992 hectares for which OCT No. 23356 was issued in her name. Thus, when Mariano Brusas and Josefa Brusas filed their sworn statements of landholdings in 1973 they supposedly discovered that their properties were already titled in the name of their sister Ines. The discovery triggered a controversy among the Brusas siblings and earnest efforts to settle the conflict before the *barangay* officials, the local police and the PC Provincial Commander proved futile.

Private respondents, heirs of Ines Brusas and Cleto Rebosa, denied on the other hand that Lots 1 and 2 were owned and possessed by their grandfather Sixto Brusas during his lifetime. They asserted that Ines Brusas was the absolute owner having entered the property as early as 1924. Since then Ines Brusas and her husband Cleto Rebosa were clearing the land on their own by cutting down trees and removing their roots it being a forested area. In 1957 Ines Brusas applied for a free patent which was approved and the corresponding certificate of title issued in 1967.

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[1] Records, p. 292; Exh. "A".

[2] *Id.*, p. 292-A; Exh. "B".

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Sometime in 1974 Ines Brusas filed a complaint for recovery of six (6) hectares of land alleging that her brothers and sisters forcibly entered and deprived her of that portion of the property.[3] Juan, Josefa, Mariano and Tarcela countered by instituting in the same court an action for reconveyance imputing fraud, misrepresentation and bad faith to Ines Brusas in using a forged affidavit to obtain title over Lots 1 and 2 despite full knowledge that she owned only 1/5 portion thereof.[4]

After the cases were consolidated trial dragged on for nineteen (19) years. The lower court finally rendered its decision in 1993 dismissing the complaint filed by Ines Brusas, declaring Lots 1 and 2 as the *pro-indiviso* property of the Brusas siblings, and ordering Ines Brusas to reconvey to her brothers and sisters their respective shares in the disputed property.

On appeal, however, the Court of Appeals in its Decision of 16 July 1996 reversed and set aside the decision of the trial court thus —

WHEREFORE x x x the appealed decision is *REVERSED* and *SET ASIDE* and another judgment is hereby rendered as follows:

1. In Civil Case No. IR-1058, ordering defendants and/or their successors-in-interest to vacate the land described in paragraph 4 of the complaint and/or to deliver possession thereof to plaintiffs or their successors-in-interest;

2. Dismissing the complaint for reconveyance and damages in Civil Case No. IR-1059.

The Court of Appeals ratiocinated —

Apart from the self-serving and bare allegations of appellees, no competent evidence was adduced to substantiate their claim of fraud on the part of Ines Brusas in her application for a free patent over the land in dispute. They submitted specimens of their

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[3] *Ines Brusas, et al. v. Pedro Badillo, et al.*, Civil Case No. P-293, now Civil Case No. IR-1058.

[4] *Pedro Badillo, et al. v. Ines Brusas*, Civil Case No. P-299, now Civil Case No. IR-1059.

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signatures to the NBI office at Naga City for examination but failed to submit to the court the result thereof. Such failure indicates either that they did not pursue their request for examination or that, if they did, the result thereof is adverse to their cause.

It is significant to note that aside from the supposedly falsified affidavit, Exhibit 4, another affidavit was executed by Ines, together with Tarcela, Juan and Josefa, all surnamed Brusas, renouncing their rights to Lots 3 and 4 in favor of Mariano Brusas (Exhibit 11). Both appear to have been notarized by the same Notary Public on April 22, 1960. The existence of the two affidavits, Exhibits 4 and 11, strongly suggests that the Brusas recognized Ines Brusas as the sole claimant of Lots 1 and 2 and Mariano Brusas, the sole claimant of Lots 3 and 4.

There is likewise a presumption of regularity in the performance of official duty. There is no showing that the grant of a free patent in favor of Ines Brusas was predicated solely on the affidavit of waiver, Exhibit 4, or that without it her application would not have been given due course.

It must be borne in mind, in this regard, that the land in dispute was originally a public land. The occupation and cultivation thereof by Sixto Brusas, the father of Ines, Tarcela, Josefa, Juan and Mariano Brusas, did not make it a part of his hereditary estate. If he had complied with all the legal requirements for the grant of a free patent, he could have filed the corresponding application therefor. But he did not. Hence, he could not have transmitted ownership thereof to his heirs upon his death (citing Naval v. Jonsay, 50 O.G. 4792*)*

Their motion for reconsideration having been denied by the Court of Appeals in its Resolution of 30 September 1996, petitioners now come to us through this petition for review.

The pivotal issues to be resolved are: *first*, who are the rightful owners of the disputed property — is it the heirs of Mariano, Juan, Josefa and Tarcela Brusas, whose claim of ownership is evidenced by a survey and subdivision plan; or, is it the heirs of spouses Ines Brusas and Cleto Rebosa, whose claim of ownership flows from an original certificate of title in the name of their parents, and covering the litigated property? And *second*, was there fraud on the part of Ines Brusas in

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causing the registration of the disputed land under her name thus entitling petitioners to the reconveyance of their shares therein?

It is a fundamental principle in land registration that the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. A title once registered under the Torrens System cannot be defeated even by adverse, open and notorious possession; neither can it be defeated by prescription. It is notice to the whole world and as such all persons are bound by it and no one can plead ignorance of the registration.[5]

The real purpose of the Torrens System of land registration is to quiet title to land and stop forever any question as to its legality. Once a title is registered the owner may rest secure without the necessity of waiting in the portals of the court, or sitting on the *mirador de su casa*, to avoid the possibility of losing his land.[6] Indeed, titles over lands under the Torrens system should be given stability for on it greatly depends the stability of the country's economy. *Interest reipublicae ut sit finis litium.*

This does not mean, however, that the landowner whose property has been wrongfully or erroneously registered in another's name is without remedy in law. When a person obtains a certificate of title to a land belonging to another and he has full knowledge of the rights of the true owner, he is considered guilty of fraud. He may then be compelled to transfer the land to the defrauded owner so long as the property has not passed to the hands of an innocent purchaser for value.[7]

In the instant case, the litigated property is still registered in the name of Ines Brusas, so that insofar as procedure is concerned,

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[5] See Sec. 47, P.D. 1529; *Jacob v. Court of Appeals*, G.R. No. 92159, 1 July 1993, 224 SCRA 189, 193-194.

[6] *Dominga v. Santos*, 55 Phil. 361 (1930).

[7] *National Grains Authority v. Intermediate Appellate Court,* G.R. No. 68741, 28 January 1988, 157 SCRA 380, 388.

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petitioners were correct in availing of the remedy of reconveyance. However, an action for reconveyance presupposes the existence of a defrauded party who is the lawful owner of the disputed property. It is thus essential for petitioners to prove by clear and convincing evidence their *title* to the property, and the *fact of fraud* committed by Ines Brusas in registering their property in her name, which they miserably failed to do.

Primarily, the survey and subdivision plan submitted in evidence by petitioners are inferior proofs of ownership and cannot prevail against the original certificate of title in the name of Ines Brusas who remains and is recognized as the registered owner of the disputed property.

The survey of the land in the name of the five (5) children of Sixto Brusas is only an indication that each has an interest over the property, but it does not define the nature and extent of those interests, nor the particular portions of the property to which those interests appertain. The subdivision plan, on the other hand, is of doubtful evidentiary value and can hardly be the basis of a claim of ownership. A careful examination thereof shows that it is nothing but a sketch of the land purportedly prepared by a private land surveyor. It is not apparent therein when and where the partition was made, or who caused the property to be subdivided. Worse, this document was not even signed by any of the parties to the supposed partition to show their conformity thereto, nor acknowledged in writing by any of them or their heirs.

Even petitioners' tax declarations and tax receipts are unavailing. It is well-settled that they are not conclusive evidence of ownership or of the right to possess land, in the absence of any other strong evidence to support them.[8] The fact that the disputed property may have been declared for taxation purposes in the names of the brothers and sisters of Ines Brusas does not necessarily prove their ownership thereof. The tax receipts and tax declarations are merely *indicia* of a claim of ownership.

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[8] *Director of Lands v. Court of Appeals*, G.R. No. 50340, 26 December 1984, 192 SCRA 296.

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What perhaps militates heavily against petitioners is the *Affidavit* (of waiver) marked Exh. "4" executed sometime in 1960 by Mariano, Tarcela, Juan and Josefa, whereby they relinquished, ceded and transferred to Ines Brusas their rights and interests over the controversial property, and recognized her as the absolute owner thereof, thus —

WE, MARIANO BRUSAS, JUAN BRUSAS, TARCELA BRUSAS and JOSEFA BRUSAS, all of legal age, married except the last who is a widow, residence (sic) and with postal address at Baao, Camarines Sur, after having been duly sworn to according to law, state the following, to wit —

That we are the brothers and sisters of Ines Brusas, applicant of Free Patent Application No. 10-4375 covering Lots 1 and 2, Psu-116520, situated in Baao, Camarines Sur;

That by virtue of this instrument, we relinquish, cede and transfer whatever rights and interests we might have over Lots 1 and 2, Psu-116520 in favor of our sister, Ines Brusas;

That we do not have any opposition to Ines Brusas acquiring title to said Lots 1 and 2, Psu-116520 by virtue of her Free Patent Application No. 10-4375;

That we recognize our sister, Ines Brusas as the legal and absolute owner of Lots 1 and 2, Psu-116520 as covered by her Free Patent Application No. 10-4375;

WHEREFORE, we sign this instrument of our own will and voluntary act and after the same has been translated in our own native dialect and understood fully its contents, this April 20, 1960 at Naga City.

(SGD) MARIANO BRUSAS *(SGD) JUAN BRUSAS*

(SGD) TARCELA BRUSAS *(SGD) JOSEFA BRUSAS*

On the basis of the foregoing reasons alone the instant case should immediately be dismissed. Having failed to show any valid title to the land involved petitioners are not the proper parties who can rightfully claim to have been fraudulently deprived thereof. Nonetheless, for the satisfaction of all and sundry, we shall proceed to refute their accusation of fraud.

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First, Ines Brusas allegedly misrepresented in her application for free patent that she was the only claimant of the disputed property, without disclosing that her other brothers and sisters were claiming portions that supposedly belonged to them. It is worthy to emphasize, to the point of being repetitious, that Juan, Tarcela, Mariano and Josefa executed an affidavit of waiver recognizing Ines Brusas as the legal and absolute owner of Lots 1 and 2, and manifesting that they have no opposition to Ines Brusas' acquiring certificates of title over those lots. It was on the basis of this affidavit of waiver that Ines stated in her application for free patent that she was the sole claimant of Lots 1 and 2. Certainly this is not fraud. At any rate, it appears from the records that Juan, Tarcela, Mariano and Josefa were notified of the application for free patent of Ines Brusas and duly afforded the opportunity to object to the registration and to substantiate their claims, which they failed to do. Hence their opposition was accordingly disregarded and Ines Brusas' application was given due course.[9] Petitioners cannot thus feign ignorance of the registration. Moreover, it is significant that petitioners never contested the order of the Bureau of Lands disregarding their claims, *i.e.*, by filing a motion for reconsideration, or an appeal, for that purpose. This could only mean that they either agreed with the order or decided to abandon their claims.

Petitioners next assailed the genuineness of Exh. "4" asserting that the signatures therein were forged. However, no evidence was adduced by them to substantiate their allegation. It appears that they submitted for examination by the NBI eighteen (18) specimen signatures of Juan, Tarcela, Mariano and Josefa. Unfortunately, no standard signature could be found for the year 1960 when Exh. "4" was executed.[10] Petitioners admitted that they were unable to produce what was required by the NBI, hence, they "just had to give up."[11]

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[9] Exh. "G".

[10] NBI Questioned Documents Report No. 432-574, 7 May 1974.

[11] Memorandum for Petitioners, *Rollo*, p. 140.

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Furthermore, there was another *Affidavit* (Exh. "11") signed in the same year by the Brusases, Ines included, recognizing Mariano Brusas as the sole claimant of Lots 3 and 4 and waiving their interests therein in his favor. This fact all the more confirms that the affidavit of waiver in favor of Ines Brusas was authentic. As correctly observed by the appellate court —

> *It is significant to note that aside from the supposedly falsified affidavit, Exhibit 4, another affidavit, was executed by Ines, together with Tarcela, Juan and Josefa, all surnamed Brusas, renouncing their rights to Lots 3 and 4 in favor of Mariano Brusas (Exhibit 11). Both appear to have been notarized by the same Notary Public on April 22, 1960. The existence of the two affidavits, Exhibits 4 and 11, strongly suggests that the Brusas[es] recognized Ines Brusas as the sole claimant of Lots 1 and 2 and Mariano Brusas, the sole claimant of Lots 3 and 4.*[12]

It is not for private respondents to deny forgery. The burden of proof that the affidavit of waiver is indeed spurious rests on petitioners. Yet, significantly, even as they insist on forgery they never really took serious efforts in establishing such allegation by preponderant evidence. It must be stressed that mere allegations of fraud are not enough. Intentional acts to deceive and deprive another of his right, or in some manner injure him, must be specifically alleged and proved.

The affidavit of waiver in favor of Ines, being a public document duly acknowledged before a notary public, under his hand and seal, with his certificate thereto attached, is *prima facie* evidence of the facts stated therein.[13] Petitioners cannot impugn its validity by mere self-serving allegations. There must be evidence of the clearest and most satisfactory character. Correlatively, in granting the application of Ines Brusas for free patent, the Bureau of Lands enjoyed the presumption of regularity in the performance of its official duties. This presumption has not been rebutted by petitioners as there was likewise no evidence of any anomaly

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[12] Decision of the Court of Appeals, p. 4 .

[13] *Antillon v. Barcelon,* 37 Phil. 148 (1917).

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or irregularity in the proceedings which led to the registration of the land.

Finally, as we are not trier of facts, we generally rely upon and are bound by the conclusions of the lower courts, which are better equipped and have better opportunity to assess the evidence first-hand, including the testimony of witnesses. We have consistently adhered to the rule that findings of the Court of Appeals are final and conclusive, and cannot ordinarily be reviewed by this Court as long as they are based on substantial evidence. Among the exceptions to this rule are: (a) when the conclusion is grounded entirely on speculations, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) where there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of facts are conflicting; and, (f) when the Court of Appeals, in making its findings, goes beyond the issues of the case and the same is contrary to the admissions of both the appellant and appellee. We emphasize that none of these exceptions is present in this case.

WHEREFORE, the petition is *DENIED*. The 16 July 1996 Decision of the Court of Appeals ordering petitioners to vacate the disputed property and restore respondents in possession thereof, as well as its 30 September 1996 Resolution denying reconsideration, is *AFFIRMED*. Costs against petitioners.

SO ORDERED.

Mendoza, Quisumbing, and *Buena, JJ.,* concur.