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THIRD DIVISION

[G.R. No. 206240; May 12, 2021]

JOSEFINA Q. VILORIA, FELICITAS F. QUEJADO, HEIRS OF REMEDIOS Q. GAERLAN, namely: Bienvenido B. Gaerlan, Kathleen Deanna G. Salayog, Karen G. Lewis, Bienvenido Gaerlan, Jr., Manuel King Gaerlan, and Ronald Gaerlan, HEIRS OF BENJAMIN F. QUEJADO, namely: Edna S. Quejado, Jonathan S. Quejado, Allan S. Quejado, and Pamela S. Quejado, HEIRS OF DEMETRIO F. QUEJADO, namely: Angelita V. Quejado, Kathrina Angelica Q. Estrada, Olga Dyan Q. Garcia, and Dexter Jordan V. Quejado, *Petitioners*, *v.* **HEIRS OF PABLO GAETOS, namely: Hermilina G. Gaetos, HEIRS OF JUSTINIANO GAETOS, namely: Zenaida G. Abagam, Ofelia G. Bungay, Estrella G. Catbagan, Virgilia G. Labson, Remedios G. Adriano, Elvie G. Nagma, Eduvejes G. Valdriz, Alfredo Y. Gaetos, Catalina Gaetos, Benedict Gaetos, Jason Gaetos and HEIRS OF EUDOXIA GAETOS-SUBIDO AND HEIRS OF GALICANO GAETOS, all represented by MILDRED MADAYAG,** *Respondents*.

D E C I S I O N

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] assails the February 19, 2013 Decision[2] of the Court of Appeals (CA) in CA-G.R. CV No. 95433, which denied petitioners' appeal on the February 26, 2010 Decision[3] of the Regional Trial Court (RTC) of San Fernando

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[1] *Rollo*, pp. 6-23.

[2] Id. at 25-32; penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Jose C. Reyes, Jr. (retired member of this Court) and Mario V. Lopez (now a member of this Court).

[3] Id. at 42-52; penned by Judge Victor M. Viloria.

City, La Union, Branch 28 in Civil Case No. 4557. The trial court dismissed herein petitioners' complaint for Quieting of Title with Damages against the respondents.

Factual Antecedents:

Josefina Quejado-Viloria, Remedios Quejado-Gaerlan (Remedios), Benjamin F. Quejado, Demetrio F. Quejado (Demetrio) and Felicitas F. Quejado filed before the trial court a complaint[4] for Quieting of Title with Damages. They claimed ownership over a 10,000-square meter lot located in Taboc, San Juan, La Union (subject property), having inherited the subject property from their predecessor-in-interest who had openly, publicly, continuously and peacefully possessed the same without interruption for more than 30 years in the concept of an owner.[5]

The Quejados alleged that the heirs of Segunda Gaetos, Pablo and Salome Gaetos and Justiniano Gaetos, and the children of Francisco Gaetos surreptitiously and without their knowledge and consent caused the subject property to be surveyed for the purpose of claiming ownership. Their acts disturbed and put a cloud on their ownership, possession, and title over the subject property. Efforts toward amicable settlement between parties were exerted before the barangay council but failed.[6]

The Gaetos heirs denied the allegations of the heirs of Quejado. They insisted that the Quejados were not the owners of the subject property. They maintained that the Gaetos family owned the property in dispute by virtue of succession from a common ancestor several years before World War II. The subject property was later surveyed through cadastral survey of San Juan, La Union and partitioned as follows:[7]

Lot No. 1429, with an area of 1,678 sq. m., Constantino Gaetos; Lot No. 1430, with an area of 1,112 sq. m., Juan Aman; Lot No. 1431, with an

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[4] Id. at 35-36.

[5] Id. at 35.

[6] Id. at 36.

[7] Id. at 37-39.

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area of 1,844 sq. m., Pablo Gaetos; and Lot No. 1432, with an area of 2,824 sq. m., Salome Gaetos.[8]

The heirs of Eudoxia Gaetos and Galiciano Gaetos, represented by Mildred Madayag, intervened in the case alleging that they were co-owners of the property in issue.[9]

Trial ensued.

The Quejado heirs presented testimonial evidence pointing to their ownership and possession of the subject property.

Demetrio and Remedios testified that upon the demise of their parents, they took over the possession of the subject property which was surrounded as follows: North – Chan Family; South – Adelina Paredes; East – Segundo Gaetos; and West – China Sea. To fortify the veracity of their claim of ownership over the land, they also averred that their mother mortgaged the subject property on several occasions with various banks.[10]

The testimonies of Eulogia Catbagan (Eulogia) and Vicente Laurea, Sr. (Vicente), a tenant and a neighbor, respectively, were also presented. They both acknowledged the ownership of the Quejados over the subject property. Eulogia attested its "sandy" state while Vicente claimed that his brother was a tenant of the subject property. Pieces of documentary evidence, like the mortgages and their cancellation and Tax Declaration Nos. 13457 and 15859 under the name of Demetrio and Remedios' mother, were presented to support their claim of ownership.[11]

On the other hand, the heirs of Gaetos adduced the testimony of Isabelo Laurea (Isabelo), who testified that the subject property was near his place and its original owner was the grandfather of Francisco Gaetos. The first tenant of the subject property was Teodoro Laurea, his grandfather, who was succeeded by Cosme Laurea and then his father, Laureano Laurea. The tenancy was

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[8] Id. at 37.

[9] Id. at 40-41.

[10] Id. at 44.

[11] Id. at 44-45.

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later passed on to Isabelo. The subject property was bounded as follows: North – brother of Francisco Gaetos; South – daughter of Edis Agbunag; East – national road; West – sea. He also knew that the husband of Carmen Fernandez bought a land previously owned by Mariano Padua located in the east of the national road. Meanwhile, the house of Carmen Fernandez was located at a distance of 100 meters from his own place but not within the subject property.[12]

Teresita Ganaden (Teresita), granddaughter of Francisco Gaetos, also testified. She recalled that the subject property was originally owned by Leon Gaetos and Praxedes Pascua, who had six children, namely: Eudoxia, Galiciano, Francisco, Francisca, Feliza, and Raymunda, who were already deceased when the case was instituted. She likewise presented the San Juan, La Union Cadastre Cad 739-D to show that the subject property was partitioned among the six children of Leon and Praxedes Gaetos. Eudoxia acquired the northern portion (Lot 1434); the middle portions were allotted to Galicano (Lot 1433); Francisco was given Lot 1432; Feliza received Lot 1431; Raymunda had Lot 1430; and Francisca got the southern portion or Lot 1429. To bolster their claim, Teresita also presented receipts of expropriation payments for the properties ordered expropriated by the Court of First Instance of La Union, including the decision in the said case involving the subject property. The properties, as apportioned, were subsequently transferred to individual persons, as evidenced by current tax declarations in their names presented before the court.[13]

Ruling of the Regional Trial Court:

After trial, the trial court rendered its February 26, 2010 Decision,[14] finding no merit in the complaint of the Quejados. The dispositive portion of the judgment reads:

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[12] Id. at 45.

[13] Id. at 45-48.

[14] Id. at 42-52.

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WHEREFORE, in light of the foregoing premises, this court finds preponderance of evidence to be in favor of the defendants and judgment is hereby rendered dismissing the complaint for Quieting of Title with Damages.

SO ORDERED.[15]

The trial court found that the evidence of the Quejados did not convincingly establish that they possessed the property publicly, exclusively, and peacefully in the concept of owners. The trial court also noted that they did not have the requisite title to pursue an action for quieting of title.

Aggrieved, the heirs of Quejado assailed the trial court's judgment before the appellate court.

Ruling of the Court of Appeals:

The appellate court denied petitioners' appeal.[16] The dispositive portion of its February 19, 2013 Decision reads:

WHEREFORE, in view of the foregoing, the appeal is **DENIED**. Consequently, the Decision dated 26 February 2010 is hereby **AFFIRMED in toto**.[17]

The appellate court rejected petitioners' appeal on the ground that they failed to prove their title over the subject property and that the tax declarations under the name of their deceased mother, coupled with their allegations of possession of the subject property, did not suffice to substantiate their claims. Thus, there was no reason to overturn the trial court's ruling.[18]

Undaunted, the petitioners elevated the case before Us raising the sole issue:

A. WHETHER THE COURT OF APPEALS COMMITTED SERIOUS ERROR OF LAW AND ACTED IN A MANNER NOT IN ACCORD WITH THE APPLICABLE DECISIONS OF THIS HONORABLE

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[15] Id. at 52.

[16] Id. at 25-32.

[17] Id. at 31.

[18] Id. at 29-31.

COURT IN HOLDING THAT "PLAINTIFF-APPELLANTS FAILED TO PROVE THAT THEY HAVE EITHER LEGAL OR BENEFICIAL TITLE TO INSTITUTE THE ACTION TO QUIET TITLE AGAINST DEFENDANTS-APPELLEES."[19]

Petitioners' Arguments:

Petitioners argue in their Petition for Review on *Certiorari*[20] that the appellate court seriously erred in declaring that they have not proven their legal or beneficial title to institute the action to quiet title against the respondents despite the evidence that they have presented. They allege that the uncontroverted tax declarations under the name of their deceased mother support their claim of ownership. Their failure to declare the subject property in their names for taxation purposes does not destroy their title over it.[21]

Moreover, the fact that the subject property had been mortgaged by their predecessors-in-interest in favor of several banks proves their ownership, considering that it is standard practice for banks to investigate the identity of the owner of the real property being offered as a collateral. The banks' approval of mortgages of the subject property under the name of their predecessors-in-interest points to the veracity of their claim of ownership. Furthermore, respondents' pieces of evidence did not show their actual possession over the subject property, which thus belies their claim of ownership. The testimonial evidence presented by the Gaetoses, particularly as regards the location, identity, and description of the subject property, clearly negates their claim of ownership. Lastly, the cadastral plan and the tax declarations presented by respondents are not conclusive proof of their ownership over the subject property.[22]

Respondents' Arguments:

The respondents, in their Comment,[23] are urging for the outright dismissal of the petition in view of its defective Verification and

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[19] Id. at 10.

[20] Id. at 6-23.

[21] Id. at 11-21.

[22] Id.

[23] Id. at 127-142.

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Certification against Forum Shopping. They point out that not all the petitioners signed the verification and certification against forum shopping. In addition, the petition raised purely factual matters which were already passed upon by the appellate court.[24]

Even brushing aside technical infirmities, the respondents also aver that petitioners' appeal should nonetheless be denied for they failed to establish by preponderance of evidence their superior, legal, and substantive right over the property in dispute. The pieces of evidence they presented, including the tax declarations under the name of their mother, do not prove ownership and title over the subject property. They stress that both the trial court and the appellate court arrived at the same conclusion, which should no longer be disturbed.[25]

Our Ruling

The petition is denied.

Consequence of a defective Verification and Certificate of Non-Forum Shopping.

The petition's Verification/Certification on Non-Forum Shopping[26] was not signed by all the parties therein. This defect was duly admitted by the petitioners' in their Reply.[27] However, they argue that such was not fatal nor was it jurisdictional as to affect their present appeal.[28]

We agree. *Altres v. Empleo*[29] laid down the following guidelines with respect to noncompliance with the requirements on or submission of a defective verification and certification against forum shopping:

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[24] Id. at 131-135.

[25] Id. at 135-138.

[26] Id. at 22.

[27] Id. at 145-155.

[28] Id. at 146-148.

[29] 594 Phil. 246 (2008).

1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.

2) **As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective**. The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.

3) **Verification is deemed substantially complied with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification**, and when matters alleged in the petition have been made in good faith or are true and correct.

4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons."

5) **The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the Rule.**

6) Finally, the certification against forum shopping must be executed by the party-pleader, not by his counsel. If, however, for reasonable or justifiable reasons, the party-pleader is unable to sign, he must execute a Special Power of Attorney designating his counsel of record to sign on his behalf.[30] (Emphases Ours)

Applying the above guidelines to the present case, We find that the subject Verification/Certification of Non-forum Shopping substantially complied with the rules.

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[30] Id. at 261-262.

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Petitioners share a common interest and have similar claims in the subject property and that any one of them can be considered as "one who has ample knowledge to swear to the truth of the allegations" to sign the required verification. Moreover, their assertion of a common cause of action or defense empowers any one of them to sign the certification against forum shopping to substantially comply with the rule. After all, it has been held that under reasonable or justifiable circumstances, as in this case where the petitioners share a common interest and invoke a common cause of action or defense, the rule requiring all such plaintiffs or petitioners to sign the certification against forum shopping may be relaxed.[31]

It should be noted that the rules on verification and certification against forum shopping are designed to promote and facilitate the orderly administration of justice. Hence, they should not be interpreted with such absolute literalness as to subvert their own ultimate and legitimate objectives. The requirement of strict compliance merely underscores their mandatory nature to the effect that the verification and certification against forum shopping cannot altogether be dispensed with or their requirements completely disregarded. They do not prohibit substantial compliance with the rules under justifiable circumstances.[32]

Therefore, this Court cannot dismiss petitioners' appeal at its inception on account of the formal defects in the verification/ certification of non-forum shopping.

Discretionary power to review; appeal not a matter of right but must comply with requirements for its perfection.

Respondents point to another defect in the Petition for Review on *Certiorari*. It involves petitioners' act of raising purely questions of fact.

We emphasize at the outset that a Petition for Review on *Certiorari* is a remedy under the law confined to settle

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[31] Id.

[32] See *Fernandez v. Villegas*, 741 Phil. 689, 699-701 (2014).

questions of law and not questions of facts. The settled rule is that only questions of law may be raised in a petition under Rule 45 of the Rules of Court. Rule 45, Section 1 reads:

> **Section 1**. *Filing of petition with Supreme Court*. — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. **The petition shall raise only questions of law which must be distinctly set forth**. (1a, 2a) (Emphasis supplied)

In *Republic of the Philippines v. Malabanan*,[33] this Court distinguished a question of law from a question of fact. "A question of law arises when there is doubt as to what the law is on a certain state of [undisputed] facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts."

> Question of fact requires courts to review the truthfulness or falsity of the allegations of the parties. This review includes assessment of the "probative value of the evidence presented." There is also a question of fact when the issue presented is the correctness of the lower court's appreciation of the evidence presented by the parties.[34]

It is not this Court's function to analyze or weigh all over again evidence already considered in the proceedings below. Our jurisdiction is limited to reviewing only errors of law that may have been committed by the lower court. As it is, the resolution of factual issues is the function of the lower courts, whose findings on these matters are received with respect.[35]

However, this Court may take exceptions when: (1) the conclusion is grounded on speculations, surmises, or conjectures; (2) the inference is manifestly mistaken, absurd, or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are

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[33] 646 Phil. 631, 637 (2010).

[34] *Ignacio v. Ragasa*, G.R. No. 227896, January 29, 2020.

[35] See *Far Eastern Surety and Insurance Co. Inc. v. People*, 721 Phil. 760, 769 (2013).

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conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of fact are contradicted by the presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.[36] Petitioners, however, must not merely allege the presence of exceptions but must fully explain why exceptions to the rule must apply.

Here, petitioners raise the lone issue that the appellate court committed serious error of law and acted in a manner not in accord with the applicable decisions of the Court. In support of such issue, they advance the following allegations: (1) the trial court erred in declaring that they do not have the requisite title to pursue their claim, notwithstanding their predecessors-in-interests' possession of the property, who even mortgaged the subject property and declared it under their name for tax purposes; (2) the trial court erred in failing to appreciate and give weight to the evidence presented, the testimonies of their witnesses, and their documentary evidence; and (3) the trial court erred in dismissing their case.[37]

Petitioners' core allegations would entail a review of the factual circumstances already determined and similarly concluded by the lower courts. They are essentially questioning the lower courts' appreciation of evidence and asking this Court to weigh them all over again, an undertaking that is not allowed in a petition filed under Rule 45. Moreover, this invocation of factual review is bereft of a full explanation why the exception to our reviewing power should be exercised.

Thus, the present petition must fail on this ground.[38]

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[36] *Bernas v. The Estate of Felipe Yu Han Yat, Mejia*, G.R. Nos. 195908, 195910, August 15, 2018.

[37] *Rollo*, pp. 11-21.

[38] RULES OF COURT, Rule 45, Section 5. Dismissal or denial of petition. — The failure of the petitioner to comply with any of the foregoing requirements

Even if we relax the rules on review, the petition must still fail for lack of merit.

In an action for quieting of title, the plaintiff has the burden to show by preponderance of evidence that they have a legal and equitable title to or interest in the real property subject of the action.

Spouses Basa v. Loy[39] reiterated the requirements in order that an action to quiet title may prosper, thus:

> In order that an action for quieting of title may prosper, **it is essential that the plaintiff must have legal or equitable title to, or interest in, the property which is the subject-matter of the action**. Legal title denotes registered ownership, while equitable title means beneficial ownership. **In the absence of such legal or equitable title, or interest, there is no cloud to be prevented or removed**.
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> An action for quieting of title is essentially a common law remedy grounded on equity. **The competent court is tasked to determine the respective rights of the complainant and other claimants, not only to place things in their proper place, to make the one who has no rights to said immovable respect and not disturb the other, but also for the benefit of both, so that he who has the right would see every cloud of doubt over the property dissipated, and he could afterwards without fear introduce the improvements he may desire, to use, and even to abuse the property as he deems best. But 'for an action to quiet title to prosper, two indispensable requisites must concur, namely: (1) the plaintiff or complainant has a legal or an equitable title to or interest in the real property subject of the action; and (2) the deed, claim,**

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regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

The Supreme Court may on its own initiative deny the petition on the ground that the appeal is without merit, or is prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration.

[39] G.R. No. 204131, June 4, 2018.

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encumbrance, or proceeding claimed to be casting cloud on his title must be shown to be in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.' [Emphasis supplied; citation omitted]

The requirements find basis in Articles 476 and 477 of the Civil Code which state:

Article 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

Article 477. The plaintiff must have legal or equitable title to, or interest in the real property which is the subject matter of the action. He need not be in possession of said property.

It is thus clear that legal or equitable title to, or interest in, the real property subject matter of the action must be established by the plaintiffs as a prerequisite in order for their action to quiet title to prosper.

Here, petitioners did not have a legal title to the subject property. There were no certificates of title in their respective names. Moreover, based on the findings of the lower courts, they also failed to substantiate their claim of having equitable title as well.[40] The tax declarations under the names of their predecessor-in-interests, documentation alluding to mortgages, and the testimonial evidence they have presented did not convincingly establish their equitable title over the subject property.

As accurately ruled by both the trial court and the appellate court, tax declarations and receipts are not conclusive evidence of ownership or of the right to possess land when not supported by other evidence.[41] Mere allegation of open, continuous,

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[40] *Rollo*, pp. 50-51.

[41] Id. at 30.

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and exclusive possession of the property in dispute without substantiation does not meet the requirements of the law.

Hence, based on the foregoing, petitioners failed at the outset to establish the first requirement of having legal or equitable title over the property in dispute. Their cause of action for quieting of title simply cannot prosper. In view of their lack of title, legal or equitable, there is no cloud to be prevented or removed and there is no case of quieting of title to speak of.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The February 19, 2013 Decision of the Court of Appeals in CA-G.R. CV No. 95433 is hereby **AFFIRMED**. Costs on petitioners.

SO ORDERED.

Leonen (Chairperson), Lazaro-Javier,[*] *Delos Santos,* and *J. Lopez, JJ.*, concur.

APPEARANCES OF COUNSEL

Ortega Viloria Maranon Camat-Labrado for petitioners.
Rivera Rivera Caroy Law Office for respondents.

[*] Designated as additional member per raffle dated April 21, 2021 vice *J.* Inting who recused, his sister, *J.* Socorro Inting, having penned the assailed Decision of the Court of Appeals.