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The award of moral damages should be reduced, however, to ₱50,000 for each count in accordance with current jurisprudence.[47] Moral damages are automatically granted in rape cases without need of further proof other than the commission of the crime, because it is assumed that a rape victim has actually suffered moral injuries entitling her to such an award.[48]

WHEREFORE, the appeal is ***DENIED*** and the assailed Decision ***AFFIRMED***, with the modification that the moral damages awarded by the trial court are reduced to ₱50,000 for each count of rape. Costs against appellant.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Ynares-Santiago, and *Carpio, JJ.,* concur.

Azcuna, J., on official leave.

FIRST DIVISION

[G.R. No. 155080. February 5, 2004]

SOLEDAD CALICDAN, represented by her guardian GUADALUPE CASTILLO, *petitioner, vs.* **SILVERIO CENDAÑA, substituted by his legal heir CELSA CENDAÑA-ALARAS,** *respondent.*

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[47] *People v. Pagsanjan*, G.R. No. 139694, December 27, 2002; *People v. Lachica, supra; People v. Ugang*, 381 SCRA 775, May 7, 2002; *People v. Bertulfo*, 381 SCRA 762, May 7, 2002.

[48] *People v. Lachica, supra; People v. Hermanes*, 379 SCRA 170, March 12, 2002; *People v. Parcia*, 374 SCRA 714, January 28, 2002; *People v. De Guzman, supra*; *People v. Balas*, 372 SCRA 80, December 11, 2001.

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SYNOPSIS

Involved in this controversy is a 760-square meter parcel of unregistered land located in Poblacion, Mangaldan, Pangasinan. The land was formerly owned by Sixto Calicdan, who died intestate and was survived by his wife, Fermina and three children, namely, petitioner Soledad, Jose and Benigno. In 1947, Fermina executed a deed of donation whereby she conveyed the land to respondent Silverio Cendaña. In 1992, petitioner filed a complaint for recovery of ownership and possession against respondent alleging that the donation was void. The trial court rendered a decision in favor of the petitioner. On appeal, however, the trial court reversed the decision and declared that the donation was valid. Hence, in this petition for review, the issues to be resolved are: (1) whether of not the donation was valid, and (2) whether or not petitioner lost ownership of the land by prescription.

The Supreme Court found that the Court of Appeals' ruling that the donation was valid was not supported by convincing proof. The Court of Appeals erred in ruling based on respondent's bare hearsay testimony as evidence of the donation made by Fermina. Notwithstanding the invalid donation, however, the Court ruled that the respondent had become the rightful owner of the land by extraordinary acquisitive prescription. Respondent's adverse possession of the land for more than 45 years aptly showed that he met the requirements for extraordinary acquisitive prescription to set in. The decision of the Court of Appeals which ordered the dismissal of the complaint for recovery of the property involved was affirmed.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT OF THE COURT OF APPEALS; DEEMED CONCLUSIVE UPON THE SUPREME COURT; EXCEPTIONS.— As a rule, our jurisdiction in cases brought from the Court of Appeals is limited to the review and revision of errors of law allegedly committed by the appellate court. This is because its findings of fact are deemed conclusive and we are not duty-bound to analyze and weigh all over again the evidence already considered in the

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proceedings below. The rule, however, admits of the following exceptions: (1) when the findings are grounded on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion in the appreciation of facts; (4) when the factual findings of the trial and appellate courts are conflicting; (5) when the Court of Appeals, in making its findings, has gone beyond the issues of the case and such findings are contrary to the admissions of both appellant and appellee; (6) when the judgment of the appellate court is premised on a misapprehension of facts or when it has failed to consider certain relevant facts which, if properly taken into account, will justify a different conclusion; (7) when the findings of fact are conclusions without citation of specific evidence upon which they are based; and (8) when findings of fact of the Court of Appeals are premised on the absence of evidence but are contradicted by the evidence on record.

2. **CIVIL LAW; PROPERTY; MODE OF ACQUIRING OWNERSHIP; PRESCRIPTION; CONSTRUED.**— Prescription is another mode of acquiring ownership and other real rights over immovable property. It is concerned with lapse of time in the manner and under conditions laid down by law, namely, that the possession should be in the concept of an owner, public, peaceful, uninterrupted and adverse. Acquisitive prescription is either ordinary or extraordinary. Ordinary acquisitive prescription requires possession in good faith and with just title for ten years. In extraordinary prescription ownership and other real rights over immovable property are acquired through uninterrupted adverse possession thereof for thirty years without need of title or of good faith.

3. **ID.; ID.; ID.; ID.; WHEN TAX DECLARATION MAY CONSTITUTE AS STRONG EVIDENCE OF OWNERSHIP OF LAND; PRESENT IN CASE AT BAR.**— The records show that the subject land is an unregistered land. When the petitioner filed the instant case on June 29, 1992, respondent was in possession of the land for 45 years counted from the time of the donation in 1947. This is more than the required 30 years of uninterrupted adverse possession without just title and good faith. Such possession was public, adverse and in the concept of an owner. Respondent fenced the land and built his house in 1949, with the help of Guadalupe's father as his contractor. His act of

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cultivating and reaping the fruits of the land was manifest and visible to all. He declared the land for taxation purposes and religiously paid the realty taxes thereon. Together with his actual possession of the land, these tax declarations constitute strong evidence of ownership of the land occupied by him. As we said in the case of *Heirs of Simplicio Santiago v. Heirs of Mariano Santiago*: Although tax declarations or realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good *indicia* of possession in the concept of owner, for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.

4. ID.; ID.; ID.; ID.; DEED OF DONATION; ALTHOUGH VOID COULD STILL CONSTITUTE A LEGAL BASIS FOR ADVERSE POSSESSION; APPLICATION IN CASE AT BAR.— The deed of donation *inter vivos, albeit* void for having been executed by one who was not the owner of the property donated, may still be used to show the exclusive and adverse character of respondent's possession. Thus, in *Heirs of Segunda Maningding v. Court of Appeals*, we held: Even assuming that the donation *propter nuptias* is void for failure to comply with formal requisites, *it could still constitute a legal basis for adverse possession.* With clear and convincing evidence of possession, a private document of donation may serve as basis for a claim of ownership. In *Pensader v. Pensader* we ruled that while the verbal donation under which the defendant and his predecessors-in-interest have been in possession of the lands in question is not effective as a transfer of title, *still it is a circumstance which may explain the adverse and exclusive character of the possession.*

APPEARANCES OF COUNSEL

Villamor A. Tolete for petitioner.
Albino Gonzales for respondent.

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DECISION

YNARES-SANTIAGO, *J.*:

This petition for review seeks the reversal of the April 4, 2002 decision of the Court of Appeals in CA-G.R. CV No. 67266,[1] which set aside the November 12, 1996 decision of the Regional Trial Court of Dagupan City, Branch 44 in Civil Case No. D-10270.[2]

The instant controversy involves a 760 square meter parcel of unregistered land located in Poblacion, Mangaldan, Pangasinan. The land was formerly owned by Sixto Calicdan, who died intestate on November 4, 1941. He was survived by his wife, Fermina, and three children, namely, petitioner Soledad, Jose and Benigno, all surnamed Calicdan.[3]

On August 25, 1947, Fermina executed a deed of donation *inter vivos* whereby she conveyed the land to respondent Silverio Cendaña,[4] who immediately entered into possession of the land, built a fence around the land and constructed a two-storey residential house thereon sometime in 1949, where he resided until his death in 1998.[5]

On June 29, 1992, petitioner, through her legal guardian Guadalupe Castillo, filed a complaint for "Recovery of Ownership, Possession and Damages" against the respondent, alleging that the donation was void; that respondent took advantage of her incompetence in acquiring the land; and that she merely tolerated respondent's possession of the land as well as the construction of his house thereon.[6]

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[1] *Rollo*, p. 26; penned by Associate Justice Wenceslao I. Agnir, and concurred in by Associate Justices B.A. Adefuin-De la Cruz and Josefina Guevara-Salonga.

[2] *Rollo*, p. 95.

[3] TSN, August 13, 1993, pp. 4-7.

[4] Records, p. 88.

[5] TSN, January 17, 1994, pp. 6-11.

[6] *Rollo*, pp. 40-41.

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In his "Answer with Motion to Dismiss," respondent alleged, by way of affirmative defenses, that the land was donated to him by Fermina in 1947; and that he had been publicly, peacefully, continuously, and adversely in possession of the land for a period of 45 years. Moreover, he argued that the complaint was barred by prior judgment in the special proceedings for the "*Inventory of Properties of Incompetent Soledad Calicdan,*" where the court decreed the exclusion of the land from the inventory of properties of the petitioner.[7]

On November 12, 1996, the trial court rendered a decision in favor of the petitioner, the dispositive portion of which reads as follows:

> WHEREFORE, judgment is rendered in favor of plaintiff and against the defendant as follows:
>
> 1. Ordering defendant Silverio Cendaña to vacate the land in question and surrender ownership and possession of the same to plaintiff; and
>
> 2. Ordering defendant to pay plaintiff ₱20,000.00 as moral damages, ₱20,000.00 as exemplary damages, ₱10,000.00 by way of attorney's fees and other litigation expenses, plus cost of suit.
>
> SO ORDERED.[8]

On appeal by the respondent, the Court of Appeals reversed the trial court's decision and declared that the donation was valid. Furthermore, it held that petitioner lost her ownership of the property by prescription.

Hence, the instant petition for review on the following issues:

(1) whether or not the donation *inter vivos* is valid; and

(2) whether or not petitioner lost ownership of the land by prescription.

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[7] *Id.*, pp. 44-50.

[8] *Id.*, p. 102.

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As a rule, our jurisdiction in cases brought from the Court of Appeals is limited to the review and revision of errors of law allegedly committed by the appellate court. This is because its findings of fact are deemed conclusive and we are not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below.[9]

The rule, however, admits of the following exceptions:

(1) when the findings are grounded on speculation, surmises or conjectures;

(2) when the inference made is manifestly mistaken, absurd or impossible;

(3) when there is grave abuse of discretion in the appreciation of facts;

(4) when the factual findings of the trial and appellate courts are conflicting;

(5) when the Court of Appeals, in making its findings, has gone beyond the issues of the case and such findings are contrary to the admissions of both appellant and appellee;

(6) when the judgment of the appellate court is premised on a misapprehension of facts or when it has failed to consider certain relevant facts which, if properly taken into account, will justify a different conclusion;

(7) when the findings of fact are conclusions without citation of specific evidence upon which they are based; and

(8) when findings of fact of the Court of Appeals are premised on the absence of evidence but are contradicted by the evidence on record.[10]

In the case at bar, the factual findings of the trial court and the Court of Appeals are conflicting; thus, we are constrained to review the findings of facts.

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[9] *Tugade v. Court of Appeals*, G.R. No. 120874, 31 July 2003.

[10] *China Airlines, LTD. v. Court of Appeals*, G.R. No. 129988, 14 July 2003.

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The trial court found the donation of the land void because Fermina was not the owner thereof, considering that it was inherited by Sixto from his parents. Thus, the land was not part of the conjugal property of the spouses Sixto and Fermina Calicdan, because under the Spanish Civil Code, the law applicable when Sixto died in 1941, the surviving spouse had a right of usufruct only over the estate of the deceased spouse. Consequently, respondent, who derived his rights from Fermina, only acquired the right of usufruct as it was the only right which the latter could convey.

After a review of the evidence on record, we find that the Court of Appeals' ruling that the donation was valid was not supported by convincing proof. Respondent himself admitted during the cross examination that he had no personal knowledge of whether Sixto Calicdan in fact purchased the subject land from Felomino Bautista. Pertinent portions of his testimony read:

Q. And Sixto Calicdan inherited this property from his parents?
A. No, sir.

Q. What do you mean by no?
A. To my knowledge and information, Sixto Calicdan bought the property from his cousin, I think Flaviano or Felomino Bautista.

Q. So, in other words, you have no personal knowledge about how Sixto Calicdan acquired this property?
A. I think it was by purchase.

Q. According to information, so you have no actual personal knowledge how Sixto Calicdan acquired this property?
A. Yes, because when the property was bought by my uncle, I was not yet born, so information only.

Q. So when you were born, you came to know already that Sixto Calicdan is the owner of this property?
A. Yes, thru the son of Felomino Bautista who is now, I think, in Baguio.

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Q. You have not seen any document to show that Sixto Calicdan purchased the property from one Felomino Bautista?
A. None, sir.[11]

In *People v. Guittap*,[12] we held that:

Under Rule 130, Section 36 of the Rules of Court, a witness can testify only to those facts which he knows of his own personal knowledge, *i.e.*, which are derived from his own perception; otherwise, such testimony would be hearsay. Hearsay evidence is defined as "evidence not of what the witness knows himself but of what he has heard from others." The hearsay rule bars the testimony of a witness who merely recites what someone else has told him, whether orally or in writing. In *Sanvicente v. People*, we held that when evidence is based on what was supposedly told the witness, the same is without any evidentiary weight for being patently hearsay. Familiar and fundamental is the rule that hearsay testimony is inadmissible as evidence.

The Court of Appeals thus erred in ruling based on respondent's bare hearsay testimony as evidence of the donation made by Fermina.

Notwithstanding the invalidity of the donation, we find that respondent has become the rightful owner of the land by extraordinary acquisitive prescription.

Prescription is another mode of acquiring ownership and other real rights over immovable property. It is concerned with lapse of time in the manner and under conditions laid down by law, namely, that the possession should be in the concept of an owner, public, peaceful, uninterrupted and adverse. Acquisitive prescription is either ordinary or extraordinary. Ordinary acquisitive prescription requires possession in good faith and with just title for ten years. In extraordinary prescription ownership and other real rights over immovable property are acquired through uninterrupted adverse possession thereof for thirty years without need of title or of good faith.[13]

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[11] TSN, January 26, 1994, pp. 3-4.

[12] G.R. No. 144621, 9 May 2003.

[13] *Gesmundo v. Court of Appeals*, 378 Phil. 1099, 1107 [1999].

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The good faith of the possessor consists in the reasonable belief that the person from whom he received the thing was the owner thereof, and could transmit his ownership.[14] For purposes of prescription, there is just title when the adverse claimant came into possession of the property through one of the modes recognized by law for the acquisition of ownership or other real rights, but the grantor was not the owner or could not transmit any right.[15]

Assuming *arguendo* that ordinary acquisitive prescription is unavailing in the case at bar as it demands that the possession be "in good faith and with just title,"[16] and there is no evidence on record to prove respondent's "good faith," nevertheless, his adverse possession of the land for more than 45 years aptly shows that he has met the requirements for extraordinary acquisitive prescription to set in.

The records show that the subject land is an unregistered land. When the petitioner filed the instant case on June 29, 1992, respondent was in possession of the land for 45 years counted from the time of the donation in 1947. This is more than the required 30 years of uninterrupted adverse possession without just title and good faith. Such possession was public, adverse and in the concept of an owner. Respondent fenced the land and built his house in 1949, with the help of Guadalupe's father as his contractor. His act of cultivating and reaping the fruits of the land was manifest and visible to all. He declared the land for taxation purposes and religiously paid the realty taxes thereon.[17] Together with his actual possession of the land, these tax declarations constitute strong evidence of ownership of the land occupied by him. As we said in the case of *Heirs of Simplicio Santiago v. Heirs of Mariano Santiago*:[18]

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[14] Article 1127, New Civil Code.

[15] Article 1129, New Civil Code.

[16] *Marcelo v. Court of Appeals*, 365 Phil. 354, 362 [1999].

[17] TSN, January 17, 1994, pp. 4-12.

[18] G.R. No. 151440, 17 June 2003.

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Although tax declarations or realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good *indicia* of possession in the concept of owner, for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.

Moreover, the deed of donation *inter vivos*, *albeit* void for having been executed by one who was not the owner of the property donated, may still be used to show the exclusive and adverse character of respondent's possession. Thus, in *Heirs of Segunda Maningding v. Court of Appeals*,[19] we held:

> Even assuming that the donation *propter nuptias* is void for failure to comply with formal requisites, *it could still constitute a legal basis for adverse possession.* With clear and convincing evidence of possession, a private document of donation may serve as basis for a claim of ownership. In *Pensader v. Pensader* we ruled that while the verbal donation under which the defendant and his predecessors-in-interest have been in possession of the lands in question is not effective as a transfer of title, *still it is a circumstance which may explain the adverse and exclusive character of the possession.* (Italics ours)

In sum, the Court of Appeals correctly ordered the dismissal of Civil Case No. D-10270 before the Regional Trial Court of Dagupan City, Branch 44, and declared respondent the rightful owner of the subject property, not on the basis of the Deed of Donation *Inter Vivos*, which is hereby declared void, but on extraordinary acquisitive prescription.

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[19] 342 Phil. 567, 574-575 [1997].

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WHEREFORE, in view of the foregoing, the petition is *DENIED*. The Decision of the Court of Appeals dated April 4, 2002 in CA-G.R. CV No. 67266, which ordered the dismissal of Civil Case No. D-10270 before the Regional Trial Court of Dagupan City, Branch 44, is *AFFIRMED*.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Panganiban, and *Carpio, JJ.,* concur.

Azcuna, J., on official leave.

SECOND DIVISION

[G.R. No. 155320. February 5, 2004]

RENATO F. HERRERA, *petitioner, vs.* **PLARIDEL ELMER J. BOHOL,** *respondent.*

SYNOPSIS

Respondent herein charged petitioner in the Office of the Ombudsman with grave misconduct for allegedly giving unwarranted benefit to Gregoria Ancheta, by appointing her to a position which resulted in illegally recalling his item. In its decision, the Ombudsman suspended the petitioner for one month without pay. Petitioner appealed to the Court of Appeals contending that the decision of the Ombudsman was premature and contesting some of its factual findings. The Court of Appeals denied the appeal and ruled that the questioned decision of the Ombudsman was unappealable citing *Lapid v. Court of Appeals*.

The Supreme Court denied the petition and affirmed the decision of the Court of Appeals. As previously ruled, the