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WHEREFORE, the petition for review is hereby *DENIED.* The assailed decision of the CA in *CA-G.R. SP No. 46910* is hereby *AFFIRMED.*

SO ORDERED.

Puno, C.J. (Chairperson), Carpio, Corona, and *Bersamin, JJ.,* concur.

FIRST DIVISION

[G.R. No. 159116. September 30, 2009]

SPS. NESTOR and FELICIDAD DADIZON, *petitioners, vs.* **HON. COURT OF APPEALS and SPS. DOMINADOR and ELSA MOCORRO,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; APPEALS; STRICT POLICY OF COURT AGAINST MISDIRECTED OR ERRONEOUS APPEALS. — The Court has followed a *strict* policy against misdirected or erroneous appeals since February 27, 1990, when it issued the following instructions and caution in *Murillo v. Consul*: At present then, except in criminal cases where the penalty imposed is life imprisonment or *reclusion perpetua,* there is no way by which judgments of regional trial courts may be appealed to the Supreme Court except by petition for review on *certiorari* in accordance with the Rule 45 of the Rules of Court, in relation to Section 17 of the Judiciary Act of 1948 as amended. The proposition is clearly stated in the *Interim* Rules: "Appeals to the Supreme Court shall be taken by petition for *certiorari* which shall be governed by Rule 45 of the Rules of Court. On the other hand, it is not possible to take an appeal by *certiorari* to the Court of Appeals. Appeals to that Court from the Regional Trial Courts are perfected in two (2) ways, both of which are entirely distinct from an appeal

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by *certiorari* to the Supreme Court. They are: a) by *ordinary appeal, or appeal by writ of error* – where judgment was rendered in a civil or criminal action by the RTC in the exercise of original jurisdiction; and b) by *petition for review* – where judgment was rendered by the RTC in the exercise of appellate jurisdiction. The petition for review must be filed with the Court of Appeals within 15 days from notice of the judgment, and as already stated, shall point out the error of fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed. An ordinary appeal is taken by merely filing a notice of appeal within 15 days from notice of the judgment, except in special proceedings of cases where multiple appeals are allowed in which event the period of appeal is 30 days and a record on appeal is necessary. There is therefore no longer any common method of appeal in civil cases to the Supreme Court and the Court of Appeals. The present procedures for appealing to either court – and, it may be added, the process of ventilation of the appeal – are now to be made by petition for review or by notice of appeals (and, in certain instances, be record on appeal), but only by petition for review on *certiorari* under Rule 45. As was stressed by this Court as early as 1980, in *Buenbrazo v. Marave*, 101 SCRA 848, all "the members of the bench and bar" are charged with knowledge, not only that "since the enactment of Republic Act No. 8031 in 1969," the review of the decision of the Court of First Instance in a case exclusively cognizable by the inferior court x x x cannot be made in an ordinary appeal or by record on appeal," but also that *appeal by record on appeal to the Supreme Court under Rule 42 of the Rules of Court was abolished by Republic Act No. 5440 which, as already stated, took effect on September 9, 1968.* Similarly, in *Santos, Jr. v. C.A.*, 152 SCRA 378, this Court declared that "Republic Act No. 5440 had long superseded Rule 41 and Section 1, Rule 122 of the Rules of Court on direct appeals from the court of first instance to the Supreme Court in civil and criminal cases, x x x and that "direct appeals to this Court from the trial court on questions of law had to be through the filing of a petition for review on *certiorari*, wherein this Court could either give due course to the proposed appeal or deny it outright to prevent the clogging of its docket with unmeritorious and dilatory appeals." In fine, if an appeal is essayed to either court by the wrong procedure, the only course of action open is to dismiss the appeal. In other words,

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if an appeal is attempted from a judgment of a Regional Trial Court by notice of appeal, that appeal can and should never go to the Supreme Court, regardless of any statement in the notice that the court of choice is the Supreme Court; and more than once has this Court admonished a Trial Judge and/or his Clerk of Court, as well as the attorney taking the appeal, for causing the records to be sent up to this Court in such a case. Again, if an appeal by notice of appeal is taken from Regional Trial Court to the Court of Appeals and in the latter Court, the appellant raises naught but issues of law, the appeal should be dismissed for lack of jurisdiction. And finally, it may be stressed once more, it is only through petitions for review on *certiorari* that the appellate jurisdiction of the Supreme Court may properly be invoked. **There is no longer any justification for allowing transfers of erroneous appeals from one court to the other, much less for tolerating continued ignorance of the law on appeals. It thus behooves every attorney seeking review and reversal of a judgment or order promulgated against his client, to determine clearly the errors he believes may be ascribed to the judgment or order, whether of fact or of law; then to ascertain which Court properly has appellate jurisdiction; and finally, to observe scrupulously the requisites for appeal prescribed by law, with keen awareness that any error or imprecision in compliance therewith may well be fatal to his client's cause.**

2. ID.; ID.; ID.; ID.; *MURILLO V. CONSUL* CODIFIED AS SECTION 2, RULE 41 OF RULES OF COURT, AMENDED AS OF JULY 1, 1997. — The dictum of *Murillo v. Consul* found its way to the *Rules of Court* as Sec. 2, Rule 41, effective July 1, 1997, under which the various modes of appeal are now specifically delineated, *viz*: Sec. 2. *Modes of appeal.*— *(*a) *Ordinary appeal.*— The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner. (b) *Petition for review.* — **The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise**

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of its appellate jurisdiction shall be by petition for review in accordance with Rule 42. (c) *Appeal by certiorari*.— In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with Rule 45. (n)

3. ID.; LIBERAL CONSTRUCTION; MAY BE INVOLVED ONLY IN SITUATIONS IN WHICH THERE IS SOME EXCUSABLE FORMAL DEFICIENCY OR ERROR IN PLEADING. —According to *Dee Hwa Liong Electronics Corporation v. Papiona,* the liberal construction of the rules — authorized by Sec. 6, Rule 1, *Rules of Court*, in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding — cannot be made the vehicle by which to ignore the *Rules of Court* at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Indeed, the policy of liberal construction mandated by the *Rules of Court* may be invoked only in situations in which there is some excusable formal deficiency or error in a pleading, but not where its application subverts the essence of the proceeding or results in the utter disregard of the *Rules of Court*. Imperative justice requires the correct observance of indispensable technicalities precisely designed to ensure its proper dispensation, for, as Justice Regalado observed in one case: The danger wrought by non-observance of the *Rules of Court* is that the violation of or failure to comply with the procedure prescribed by law prevents the proper determination of the questions raised by the parties with respect to the merits of the case and makes it necessary to decide, in the first place, such questions as relate to the form of the action. **The rules and procedure laid down for the trial court and the adjudication of cases are matters of public policy. They are matters of public order and interest which can in no wise be changed or regulated by agreements between or stipulations by parties to an action for their singular convenience.**

4. ID.; EVIDENCE; CREDIBILITY OF WITNESSES; FINDINGS OF FACTS OF THE TRIAL COURT THEREON, ACCORDED BY THE APPELLATE COURT HIGH RESPECT. — Absent the showing of a fact or circumstance of weight and influence that was overlooked and, if considered,

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could affect the outcome of the case, the factual findings and assessment on the credibility of witnesses or other evidence made by the trial court remain binding on the appellate tribunal. The legal aphorism is that the findings of facts of the trial court, its calibration of the testimonies of witnesses and its assessment of their probative weight, as well as its conclusions based on its findings, are accorded by the appellate court high respect, if not conclusive effect.

5. CIVIL LAW; LAND TITLES AND DEEDS; UNREGISTERED LAND; DEED OF SALE; NON-REGISTRATION IN THE OFFICE OF REGISTER OF DEEDS; THIRD PARTIES NOT BOUND. —The transaction affecting unregistered lands covered by an unrecorded contract, if legal, might be valid and binding on the parties themselves, but not on third parties. In the case of third parties, it was necessary for the contract to be registered. Sec. 113 of Presidential Decree No. 1529, also known as the *Property Registration Decree*, provides, *viz*: Section 113. *Recording of instruments relating to unregistered lands*. — No deed, conveyance, mortgage, lease, or other voluntary instrument affecting land not registered under the Torrens system shall be valid, except as between the parties thereto, unless such instrument shall have been recorded in the manner herein prescribed in the office of the Register of Deeds for the province or city where the land lies.

APPEARANCES OF COUNSEL

Santo Law Office for petitioners.
Clemencio C. Sabitsana, Jr. for private respondents.

D E C I S I O N

BERSAMIN, *J.*:

The mere execution of a *deed of sale* covering an unregistered parcel of land is not enough to bind third persons. A succeeding step — the registration of the sale — has to be taken. Indeed, registration is the operative act to convey or affect the unregistered land insofar as third persons are concerned.

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Spouses Nestor and Felicidad Dadizon (Dadizons), the defendants in the trial court, seek the review of the resolutions dated February 26, 2003 and June 30, 2003, respectively dismissing their petition for review[1] and denying their motion for reconsideration,[2] both issued by the Court of Appeals (CA).

Antecedents

Respondent Spouses Dominador and Elsa Mocorro (Mocorros) initiated this case in the Municipal Trial Court (MTC) of Naval, Biliran against the Dadizons to recover a parcel of land with an area of 78 square meters and to cancel the latter's tax declaration. The Mocorros also sought consequential damages.

The Mocorros' right to recover was traced back to Ignacia Bernal, who had owned a large tract of 3,231 square meters that she had declared for taxation purposes in Tax Declaration No. 504. On December 30, 1946, Bernal had sold to Almeda Elaba a portion of 364 square meters of her land. Tax Declaration No. 1551 had been then issued in the name of Elaba, but covering only 224 square meters. On May 29, 1971, Elaba had sold the same 224 square meters to Brigido Caneja, Sr., resulting in the issuance of Tax Declaration No. 4301 in the name of Caneja, Sr. in 1972 over the entire 224 square meters. As alleged in this action, the land of Caneja, Sr. was described as follows:

> It is a residential lot and house, bounded on the North by P. Inocentes St.; on the East by High School Plaza; on the South by Elem. School Plaza; and on the West by Ignacia Bernal; of approximately 224 square meters in area, more or less, covered by Tax Dec. No. 4301 and assessed at P448.00 only.[3]

On June 2, 1973, Caneja, Sr. sold the land to the Mocorros. Thus, Caneja, Sr.'s Tax Declaration No. 4301 was cancelled and Tax Declaration No. 4518 was issued in the name of Dominador Mocorro.[4]

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[1] *Rollo*, pages 35-36.

[2] *Id.*, page 38.

[3] *Id.*, page 39.

[4] *Id.*, page 48.

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In 1979, Tax Declaration No. 4518 was superseded by Tax Declaration No. 3478, still covering the same area of 224 square meters. It is relevant to mention that Tax Declaration No. 3478 carried an annotation of the mortgage on the land constituted by the Mocorros in favor of the Rural Bank of Naval on July 23, 1975.[5]

In 1984, as borne out in Tax Declaration No. 607, the area of 224 square meters was reduced by 78 square meters to only 146 square meters, with the western boundary being now described as Cadastral Lot No. 523, Assessor's Lot No. 049, owned by the Dadizons.[6] It is not denied that the Dadizons were issued their own tax declaration for the first time only in 1980, through Tax Declaration No. 535 in the name of Felicidad Dadizon, covering an area of 147 square meters. Tax Declaration No. 535 indicated as the eastern boundary of the property of the Mocorros, described as Cadastral Lot No. 524, Assessor's Lot No. 048. The dorsal side of Tax Declaration No. 535 of the Dadizons contained the following note:

"Note: Previous Tax Declaration was unidentified it is subject for further verification" Cad. Lot No. 523 in the name of Felicidad Dadizon is denominated "has no previous tax declaration and or assessed as "NEW" under the Tax Mapping revision."[7]

Based on the tax declarations, the area of the land of the Mocorros had always been 224 square meters until 1984, when the area was reduced to 146 square meters following the exclusion of a part thereof measuring 78 square meters to adjust the area to that declared in the name of the Dadizons in Tax Declaration No. 535.[8]

Ruling of the MTC

In determining the issue as to who between the Mocorros and the Dadizons possessed the better right to the 78-square

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[5] *Id.*, pages 48-49.

[6] *Id.*, page 49.

[7] *Id.*

[8] *Id.*

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meter lot occupied by the Dadizons, the MTC rendered judgment on December 6, 1999 in favor of the Mocorros, holding thuswise:

The Court has painstakingly reviewed the evidence in this case and has arrived at the conclusion that the seventy–eight (78) square meters complained of is part of the land sold to plaintiff spouses. Plaintiffs have convincingly proved that they have a better right to the land. They have solid evidence to support their claim of ownership.

As early as June 2, 1973, they bought the land in question from Brigido Caneja, Sr., a former town mayor of Naval, Biliran. The integrity of His honor, was engrained into the document so much so that it was respected by the adjoining owners. A total land area of 224 square meters was sold by Brigido Caneja, Sr. to plaintiff spouses as reflected in a Deed of Absolute Sale.

It was only in 1975 when defendant spouses allegedly acquired a residential land adjoining that of plaintiff spouses that a boundary dispute ensued between them.

The Court finds the alleged acquisition of defendant spouses of the land in question peppered with inconsistencies. At the outset, the land was conveyed to defendant spouses by their mother Eustaquia Bernadas in a private document on March 10, 1976. Defendant spouses offered flimsy excuses why said document was not notarized. They did not know according to their joint affidavit that there was a need for it while their instrumental witness claim that defendant spouses had no more money to pay for the notarization. The Court does not subscribe to said assertion because defendant Felicidad Dadizon is a public school teacher and as such knowledgeable enough to know that it takes a notary public to make a private document a public one. And to claim that they had no more money to pay the notarization of the document is unbelievable considering that they could even pay the alleged consideration of the property in the amount of ₱2,000.00. The only logical reason why the document was not notarized according to the mind of the Court is to make it appear that the documents were executed on the dates mentioned therein.

It was unfortunate, however, that the plaintiff Dominador Mocorro was misled into fencing their residential land as to its correct boundary upon misrepresentation of one Eustaquia Bernadas, the mother of defendant Felicidad Dadizon. Plaintiff Elsa Mocorro was not around when the alleged deception was made upon co-plaintiff Dominador Mocorro by Eustaquia Bernadas.

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WHEREFORE, in view of the foregoing, the Court finds a preponderance of evidence in favor of plaintiffs and against defendants and hereby declares plaintiffs as owners of the seventy–eight (78) square meters of the lot covered by Tax Declaration No. 535 and/or TD No. 68 in the name of defendant Felicidad Dadizon.

The Court likewise orders the defendant spouses,

a. To deliver the said seventy–eight (78) square meters portion to plaintiffs and to demolish whatever structures defendants might have erected thereon;

b. To pay plaintiffs the sum of TEN THOUSAND PESOS ₱10,000.00 for attorney's fees and litigation expenses and the costs of suit.

The Court orders the Provincial Assessor of Naval, Biliran to cancel Tax Declaration No. 531 T.M. and 608 in the name of Felicidad Dadizon and any other tax declaration relative to the property in question.[9]

Ruling of the RTC

On appeal, the Regional Trial Court (RTC) in Naval, Biliran affirmed the MTC's findings through its decision of May 17, 2001,[10] to wit:

Factual findings and conclusions of the trial court are entitled to great weight and respect absent any showing of a fact or any circumstance which the court *a quo* failed to appreciate and which would change the result if it were considered.

WHEREFORE, premises considered, this Court finds that the decision of the court *a quo* as correct; hereby affirming the said decision *in toto*.

Ruling of the Court of Appeals

The Dadizons filed a notice of appeal. Initially, the CA required the Dadizons to file their *appellant's brief*. Later on, however,

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[9] *Id.*, pages 43-46.

[10] *Id.*, pages 47-50.

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the Mocorros moved to dismiss the Dadizons' appeal on the ground that the mode of appeal they had adopted was erroneous.

Agreeing with the Mocorros, the CA dismissed the Dadizons' appeal through its resolution dated February 26, 2003.[11] The CA denied the Dadizons' motion for reconsideration on June 30, 2003.[12]

Hence, the Dadizons have come to this Court to assail the dismissal of their appeal and the denial of their motion for reconsideration.

Our Ruling

The petition for review on *certiorari* lacks merit.

I

The mode of appeal *vis-à-vis* the decision of the RTC adopted by the Dadizons was undoubtedly wrong. They should have filed a petition for review in accordance with Rule 42, *Rules of Court*, which was the correct mode of appeal, considering that the RTC had rendered the decision in question in the exercise of its appellate jurisdiction.

The error of the Dadizons was inexcusable and inexplicable. The Court has followed a *strict* policy against misdirected or erroneous appeals since February 27, 1990, when it issued the following instructions and caution in *Murillo v. Consul*:[13]

> At present then, except in criminal cases where the penalty imposed is life imprisonment or *reclusion perpetua*, there is no way by which judgments of regional trial courts may be appealed to the Supreme Court except by petition for review on *certiorari* in accordance with Rule 45 of the Rules of Court, in relation to Section 17 of the Judiciary Act of 1948 as amended. The proposition is clearly stated in the *Interim* Rules: "Appeals to the Supreme Court shall be taken by petition

[11] *Id.*, page 35.

[12] *Id.*, page 38.

[13] Undk. No. 9748, February 27, 1990, 183 SCRA XI, which became the basis for the guidelines set forth in Circular No. 2-90 issued by the Supreme Court on March 9, 1990.

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for *certiorari* which shall be governed by Rule 45 of the Rules of Court.

On the other hand, it is not possible to take an appeal by *certiorari* to the Court of Appeals. Appeals to that Court from the Regional Trial Courts are perfected in two (2) ways, both of which are entirely distinct from an appeal by *certiorari* to the Supreme Court. They are:

a) by *ordinary appeal*, or *appeal by writ of error* — where judgment was rendered in a civil or criminal action by the RTC in the exercise of original jurisdiction; and

b) by *petition for review* — where judgment was rendered by the RTC in the exercise of appellate jurisdiction.

The petition for review must be filed with the Court of Appeals within 15 days from notice of the judgment, and as already stated, shall point out the error of fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed. An ordinary appeal is taken by merely filing a notice of appeal within 15 days from notice of the judgment, except in special proceedings or cases where multiple appeals are allowed in which event the period of appeal is 30 days and a record on appeal is necessary.

There is therefore no longer any common method of appeal in civil cases to the Supreme Court and the Court of Appeals. The present procedures for appealing to either court – and, it may be added, the process of ventilation of the appeal – are now to be made by petition for review or by notice of appeals (and, in certain instances, by record on appeal), but only by petition for review on *certiorari* under Rule 45. As was stressed by this Court as early as 1980, in *Buenbrazo v. Marave*, 101 SCRA 848, all "the members of the bench and bar" are charged with knowledge, not only that "since the enactment of Republic Act No. 8031 in 1969," the review of the decision of the Court of First Instance in a case exclusively cognizable by the inferior court x x cannot be made in an ordinary appeal or by record on appeal," but also that *appeal by record on appeal to the Supreme Court under Rule 42 of the Rules of Court was abolished by Republic Act No. 5440 which, as already stated, took effect on September 9, 1968*. Similarly, in *Santos, Jr. v. C.A.*, 152 SCRA 378, this Court declared that "Republic Act No. 5440 had long superseded Rule 41 and Section 1, Rule 122 of the Rules of Court on direct appeals from the court of first instance to the Supreme Court in civil and

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criminal cases, x x x and that "direct appeals to this Court from the trial court on questions of law had to be through the filing of a petition for review on *certiorari*, wherein this Court could either give due course to the proposed appeal or deny it outright to prevent the clogging of its docket with unmeritorious and dilatory appeals."

In fine, if an appeal is essayed to either court by the wrong procedure, the only course of action open is to dismiss the appeal. In other words, if an appeal is attempted from a judgment of a Regional Trial Court by notice of appeal, that appeal can and should never go to the Supreme Court, regardless of any statement in the notice that the court of choice is the Supreme Court; and more than once has this Court admonished a Trial Judge and/or his Clerk of Court, as well as the attorney taking the appeal, for causing the records to be sent up to this Court in such a case. Again, if an appeal by notice of appeal is taken from the Regional Trial Court to the Court of Appeals and in the latter Court, the appellant raises naught but issues of law, the appeal should be dismissed for lack of jurisdiction. And finally, it may be stressed once more, it is only through petitions for review on *certiorari* that the appellate jurisdiction of the Supreme Court may properly be invoked.

There is no longer any justification for allowing transfers of erroneous appeals from one court to the other, much less for tolerating continued ignorance of the law on appeals. It thus behooves every attorney seeking review and reversal of a judgment or order promulgated against his client, to determine clearly the errors he believes may be ascribed to the judgment or order, whether of fact or of law; then to ascertain which Court properly has appellate jurisdiction; and finally, to observe scrupulously the requisites for appeal prescribed by law, with keen awareness that any error or imprecision in compliance therewith may well be fatal to his client's cause.

The dictum of *Murillo v. Consul* found its way to the *Rules of Court* as Sec. 2, Rule 41, effective July 1, 1997, under which the various modes of appeal are now specifically delineated, *viz*:

Sec. 2. *Modes of appeal*.—

(a) *Ordinary appeal*.— The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from

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and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) *Petition for review*.— **The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review in accordance with Rule 42**.

(c) *Appeal by certiorari*.— In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with Rule 45. (n)

Consequently, the CA's dismissal of the Dadizons' appeal was proper. Sec. 2, Rule 50 of the *Rules of Court*[14] pronounces that "an appeal by notice of appeal instead of by petition for review from the appellate judgment of a Regional Trial Court shall be dismissed." The dismissal was also unavoidable notwithstanding that the procedural rules might be liberally construed,[15] because the provisions of law and the rules concerning the *manner* and *period* of appeal were mandatory and jurisdictional requirements essential to enable the appellate court to take cognizance of the appeal.[16] According to *Dee Hwa Liong Electronics Corporation v. Papiona*,[17] the liberal

[14] Sec. 2. *Dismissal of improper appeal to the Court of Appeals*. — An appeal under Rule 41 taken from the Regional Trial Court to the Court of Appeals raising only questions of law shall be dismissed, issues purely of law not being reviewable by said court. **Similarly, an appeal by notice of appeal instead of by petition for review from the appellate judgment of a Regional Trial Court shall be dismissed.** (n)

An appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright. (3a)

[15] Sec. 6, Rule 1, *Rules of Court*, to wit:

Sec. 6. *Construction*. These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

[16] *Gutierrez v. Court of Appeals*, No. L-25972, November 26, 1968, 26 SCRA 32, 33.

[17] G.R. No. 173127, October 17, 2007, 536 SCRA 482.

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construction of the rules - authorized by Sec. 6, Rule 1, *Rules of Court*, in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding – cannot be made the vehicle by which to ignore the *Rules of Court* at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution.

Indeed, the policy of liberal construction mandated by the *Rules of Court* may be invoked only in situations in which there is some excusable formal deficiency or error in a pleading, but not where its application subverts the essence of the proceeding or results in the utter disregard of the *Rules of Court*. Imperative justice requires the correct observance of indispensable technicalities precisely designed to ensure its proper dispensation, for, as Justice Regalado observed in one case:[18]

> The danger wrought by non-observance of the *Rules of Court* is that the violation of or failure to comply with the procedure prescribed by law prevents the proper determination of the questions raised by the parties with respect to the merits of the case and makes it necessary to decide, in the first place, such questions as relate to the form of the action. **The rules and procedure laid down for the trial court and the adjudication of cases are matters of public policy. They are matters of public order and interest which can in no wise be changed or regulated by agreements between or stipulations by parties to an action for their singular convenience.**

II

Still, even had the CA treated the appeal as proper, the outcome would have favored the Mocorros.

The unison between the MTC and the RTC in arriving at their factual findings and legal conclusions in favor of the Mocorros cannot be justly ignored, but calls for our acceptance of their judgments on the facts as well as on their legal conclusions upon such facts. Their findings were supported by the records

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[18] *Republic v. Hernandez*, G.R. No. 117209, February 9, 1996, 253 SCRA 509, 529, 531-532.

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and the evidence; their legal conclusions accorded with the pertinent laws and jurisprudence.

There is no question that the 78-square meter portion subject of this suit was part of the lot with an area of 224 square meters that the Mocorros had acquired from their predecessors-in-interest, starting from Ignacia Bernal. The Mocorros had possessed the land since their purchase of it on June 2, 1973 from Caneja, Sr. After their acquisition from Caneja, Sr., they had been issued Tax Declaration No. 4518, which had been their tax declaration for the property until its cancellation in 1979 and the issuance to them of Tax Declaration No. 3478. Up to then, no other persons, the Dadizons included, had challenged their ownership of the 78-square meter lot. A further proof of their ownership was the fact that they had constituted a mortgage on the entire area of 224 square meters on July 23, 1975 in favor of the Rural Bank of Naval to secure an obligation. The mortgage lien was annotated on their Tax Declaration No. 3478.

In contrast, the Dadizons declared the 78-square meter portion for the first time only in 1980 under Tax Declaration No. 535. Their declaration was suspect, however, considering that the Office of the Provincial Assessor had no previous record of any declaration in the name of the Dadizons or of their predecessors-in-interest. Thus, that office issued the certification to the effect that the preceding tax declaration of the property of Felicidad Dadizon was "unidentified" and still "subject to further verification,"[19] which could only mean that the Dadizons had filed no earlier tax declaration on their property. In fact, Cadastral Lot No. 523 in the name of Felicidad Dadizon was described as: "ha(ving) no previous tax declaration and or assessed as 'NEW' under the Tax Mapping revision."[20] Given such antecedents, the reduction of the area of the landholding of the Mocorros to adjust the area in favor of the land of the Dadizons under Tax Declaration No. 535 was questionable.

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[19] *Rollo*, p. 49.

[20] *Id.*

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The conclusion of the MTC, *supra* – that the Dadizons' supposed acquisition on March 10, 1976 by means of a private document of the 78-square meter portion from Eustaquia Bernadas, Felicidad Dadizon's own mother, had been feigned "to make it appear that the documents were executed on the dates mentioned therein"; and that Dominador Mocorro had been "misled into fencing their residential land as to its correct boundary upon misrepresentation of one Eustaquia Bernadas" in the absence of Elsa Mocorro – was upheld by the RTC as the appellate court for the reason that the Dadizons had not presented any fact or circumstance that the MTC as the trial court had failed to appreciate, but if considered would change the result. The conclusion binds the Court now, for the trial court was in the best position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.[21] Absent the showing of a fact or circumstance of weight and influence that was overlooked and, if considered, could affect the outcome of the case, the factual findings and assessment on the credibility of witnesses or other evidence made by the trial court remain binding on the appellate tribunal.[22] The legal aphorism is that the findings of facts of the trial court, its calibration of the testimonies of witnesses and its assessment of their probative weight, as well as its conclusions based on its findings, are accorded by the appellate court high respect, if not conclusive effect.[23]

Moreover, the Dadizons traced their ownership of the 78-square meter portion to Ignacia Bernal. They tended to show that Bernal had sold 364 square meters of her land to Elaba on December 30, 1946; that, in turn, Elaba had conveyed a 7x13-meter portion (or 91 square meters) to Donato Cabalquinto on

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[21] *Perez v. People*, G.R. No. 150443, January 20, 2006, 479 SCRA 209; *People v. Tonog, Jr.*, G.R. No. 144497, June 29, 2009, 433 SCRA 139; *People v. Genita, Jr.*, G.R. No. 126171, March 11, 2004, 425 SCRA 343; *People v. Pacheco*, G.R. No. 142887, March 2, 2004, 424 SCRA 164; *People v. Abolidor*, G.R. No. 147231, February 18, 2004, 423 SCRA 260.

[22] *Bricenio v. People*, G.R. No. 157804, June 20, 2006, 491 SCRA 489.

[23] *People v. Darilay*, G.R. Nos. 139751-52, January 26, 2004, 421 SCRA 45.

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February 25, 1952 and another portion measuring 6x13- meters (or 78 square meters) to Floselfina Elaba in 1953 (evidenced by a *deed of confirmation*);[24] that Floselfina had then sold the 78-square meter lot to Eustaquia Bernadas in 1954 (evidenced by the same *deed of confirmation*); that Cabalquinto and Elaba had transferred the 91-square meter lot and confirmed the sale of the 78-square meter lot (a total of 169 square meters) to Eustaquia Bernadas on May 3, 1954 (evidenced by a *deed of sale* dated May 3, 1954);[25] that Bernadas had remained in possession of the 169-square meter land from May 3, 1954 until her transfer of it to the Dadizons, who were her daughter and son-in-law, on March 10, 1976 (evidenced by an *affidavit of adjoining owners*[26] and an unnotarized *deed of absolute sale of real property*);[27] and that the Dadizons had then possessed the 169-square meter land from the time of the sale to them until the present, building their house thereon.[28]

The reliance of the Dadizons on the unnotarized and unregistered *deed of absolute sale of real property* executed by Bernadas in their favor was misplaced and unwarranted, for the non-registration of the deed meant that the sale *could not* bind third parties like the respondents. The transaction affecting unregistered lands covered by an unrecorded contract, if legal, might be valid and binding on the parties themselves, but not on third parties. In the case of third parties, it was necessary for the contract to be registered. Sec. 113 of Presidential Decree No. 1529, also known as the *Property Registration Decree*, provides, *viz*:

Section 113. *Recording of instruments relating to unregistered lands.*— No deed, conveyance, mortgage, lease, or other voluntary instrument affecting land not registered under the Torrens system shall be valid, except as between the parties thereto, unless such instrument shall have been recorded in the manner herein prescribed

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[24] *Rollo*, page 10.

[25] *Id.*

[26] *Id.*, page 86.

[27] *Id.*, page 87.

[28] *Id.*, pages 9-10.

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in the office of the Register of Deeds for the province or city where the land lies.

Bernadas' execution on March 10, 1976 of the *deed of absolute sale of real property* in favor of the Dadizons, standing alone, did not suffice to bind and conclude the Mocorros. Pursuant to Sec. 113, Presidential Decree No. 1529, the recording of the sale was necessary.[29] Besides, the deed, being the unilateral act of Bernadas, did not adversely affect the Mocorros, who were not her privies. Otherwise stated, the deed was *res inter alios acta* as far as they were concerned.[30]

Neither would the *affidavit of adjoining owners* support the Dadizons' cause, considering that such affidavit, aside from its being self-serving and unilateral, had been executed only for the purpose of facilitating Felicidad Dadizon's application for the low cost housing loan from the Development Bank of the Philippines.

WHEREFORE, we affirm the resolution dated February 26, 2003 and the resolution dated June 30, 2003 issued in CA-G.R. C.V. No. 71649.

The petitioners shall pay the costs of suit.

SO ORDERED.

Puno, C.J. (Chairperson), Corona, Chico-Nazario [*] and *Leonardo-de Castro, JJ.,* concur.

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[29] *Valdevieso v. Damalerio*, G.R. No. 133303, February 17, 2005, 451 SCRA 664, 669-670.

Although *Valdevieso* involved registered property, the principle of requiring registration of the deed of sale announced therein should equally apply to a sale involving unregistered realty in light of the express provision of Sec. 113 of Presidential Decree No. 1529.

[30] Rule 130, *Rules of Court*, provides:

Sec. 28. *Admission by third party*. — The rights of a party cannot be prejudiced by an act, declaration, or omission of another, except as hereinafter provided. (25a)

[*] Additional Member in lieu of Carpio, *J.*, per Special Order No. 698.