



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

JUSTINA
 PALOMA
 PALOMA

and

DELMOLIN-
 JUANILLO

Petitioners,

G.R. No. 237767

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
 HERNANDO,
 LAZARO-JAVIER, *
 GAERLAN, and
 DIMAAMPAO, JJ.

- versus -

ESTER DELMOLIN-MAGNO
 and ABIGAIL R. DEMOLIN,
Respondents.

Promulgated:

NOV 10 2021

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DECISION

HERNANDO, J.:

This petition for review on *certiorari*¹ assails the February 24, 2017 Decision² and June 6, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 103353 affirming the July 30, 2014 Decision⁴ of the Regional Trial Court (RTC), Branch 32 of San Pablo City in Civil Case No. SP-6657(10).

* Designated as additional Member per July 1, 2019 Raffle vice J. Inting who recused due to his sister's (then Court of Appeals Associate Justice Socorre B. Inting) prior participation in the Court of Appeals.

¹ *Rollo*, pp. 2-14.

² *Id.* at 15-25. Penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (now a retired Member of the Court) and Jane Aurora C. Lantion.

³ *Id.* at 27-28.

⁴ *Records*, pp. 160-172. Penned by Presiding Judge Agripino G. Morga.

The Antecedents:

Ester Delmolin-Magno (Ester), Justina Delmolin-Paloma (Justina), and the late Cristobal R. Delmolin (Cristobal) are the legitimate children of spouses Santiago and Eulalia Delmolin.⁵ Eulalia passed away on January 11, 1944,⁶ while Santiago died on October 24, 1996.⁷ Cristobal passed away on May 22, 1984,⁸ and is survived by his wife Abigail Delmolin,⁹ and children Melanie, Myla, and Michael.¹⁰

During Santiago's lifetime, he was the registered conjugal owner of a parcel of land situated at Brgy. Concepcion, San Pablo City, with an area of 684 square meters, as evidenced by Original Certificate of Title (OCT) No. P-1539¹¹ issued on February 1, 1977.

On August 28, 1967, or prior to the issuance of OCT No. P-1539, Santiago sold the 300-square meter portion of the disputed land in favor of Justina for ₱10,000.00. Three decades and three years later, or on August 13, 2000, the Deed of Sale¹² was registered with the Register of Deeds.¹³ In the registration of the sale, Justina executed a *Kasulatan ng Pagpapatunay*¹⁴ dated November 19, 1999 stating that the disputed land has an area of 684 square meters instead of 300 square meters. Accordingly, OCT No. P-1539 was cancelled and a Transfer Certificate Title (TCT) No. T-52423¹⁵ was issued in the name of Justina.

Sometime in 1980, Ester constructed her house in the disputed land. At that time, she asked her father, Santiago, about the documents involving the land and discovered that the same were in the possession of Justina.¹⁶ Meanwhile, in 1984, Justina returned from her previous residence in Canlubang, Calamba City, and occupied the house of their father, Santiago.¹⁷

Four days after the interment of Santiago, Justina handed over to Ester a copy of the Deed of Sale of the disputed land in her favor.¹⁸ That was the first time Ester found out about the alleged sale in favor of Justina. Thereafter, Ester

⁵ Id. at 4-5.

⁶ CA decision states 1994 but the correct year is 1944.

⁷ *Rollo*, p. 17.

⁸ Records, p. 7.

⁹ Id. at 6.

¹⁰ Id. at 1.

¹¹ Id. at 8-9.

¹² Id. at 143.

¹³ *Rollo*, p. 16.

¹⁴ Records, p. 144.

¹⁵ Id. at 12.

¹⁶ *Rollo*, p. 16.

¹⁷ Id. at 17.

¹⁸ Id.

requested the land to be partitioned among them including the heirs of their late brother, Cristobal.¹⁹

Eventually, the land dispute among the heirs was brought to the *Sangguniang Barangay* of *Brgy. Concepcion*, San Pablo City.²⁰ During the conference held before the *Sangguniang Barangay*, the parties agreed to partition the land as follows: 342 square meters in favor of Justina; 171 square meters in favor Ester; and 171 square meters in favor of Abigail, as represented by her son, Michael.²¹ The Certificate of Agreement²² dated June 28, 1999 was signed by Ester, Michael, *Brgy. Chairperson Ronelo Carandang*, and *Barangay Agrarian Reform Council (BARC) Chairperson Elias A. Ciar*.²³ However, Justina refused to sign the agreement and opted to consult her lawyer first.²⁴ Nonetheless, an agreement of partition²⁵ dated August 30, 1999 was prepared and submitted to the Land Management Bureau, which the latter approved.²⁶ The agreement of partition bore the same contents as the Certificate of Agreement executed before the *Sangguniang Barangay*.²⁷

By virtue of the agreement of partition, Michael constructed a fence surrounding the lot allotted to them, with the full knowledge and consent of Justina.²⁸ Records also reveal that Justina hired a geodetic engineer who undertook the subdivision survey, and shared in the expenses incurred for the survey of the land.²⁹ However, despite Ester and Abigail's (respondents) request to partition the disputed land, Justina refused to implement the partition agreement.³⁰ Thus, the dispute was again referred to the *Sangguniang Barangay* in 2008.³¹ Due to their failure to reach a settlement, the office of the Punong *Barangay* issued a "*Katibayan Upang Makadulog sa Hukuman*."³²

On January 8, 2010, respondents filed a petition for annulment of TCT No. T-52423 and barangay partition and judicial partition of the intestate estate of the late Santiago Delmolin³³ before the RTC of San Pablo City. In their petition, they alleged that Justina, being the eldest among siblings, unjustly received $\frac{1}{2}$ portion of the subject property while Ester and Michael were forced to accept only a $\frac{1}{4}$ portion each.³⁴ Moreover, Justina even threatened to evict Ester from

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Records, pp. 19-21.

²³ *Rollo*, p. 17.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ Records, p. 163.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id. at 1-3.

³⁴ Id.

the property.³⁵ Prior to filing the petition, respondents' counsel wrote Justina and requested for a conference in order to settle the matter, but to no avail.³⁶

Ruling of the Regional Trial Court:

In its July 30, 2014 Decision,³⁷ the RTC ruled in favor of the respondents. The dispositive portion of the trial court's Decision reads as follows:

WHEREFORE, premises considered, judgment is hereby rendered, as follows:

a. **DECLARING** the Kasulatan ng Bilibang Tuluyan executed by Santiago Delmolin on August 28, 1967, selling in favor of Justina Delmolin, married to Juanillo Paloma, Lot No. 5567 previously covered by Original Certificate of Title No. P-1539 registered in the name of Santiago Delmolin, and presently covered by Transfer Certificate of Title No. T-52423, in the name of defendant Justina Delmolin, married to Juanillo Paloma, as null and void insofar as the shares of Ester Delmolin-Magno and the heirs of Cristobal Delmolin, are concerned, and hereby **DIRECTING** the Register of Deeds of San Pablo City, to cancel Transfer Certificate of Title No. T-52423, registered in the name of Justina Delmolin, married to Juanillo Paloma; and

b. **DIRECTING** the partition of Lot 5567, Cad. 438-D of San Pablo Cadastre, with an area of 684 square meters, divided into three equal portions, as follows:

Justina Delmolin-Paloma – 228 square meters;
Ester Delmolin-Magno – 228 square meters; and
Heirs of Cristobal Delmolin – 228 square meters

Total – 684 square meters

The parties herein are directed to make the partition among themselves by causing the subdivision thereof in accordance with the above sharing and by executing the proper instruments of conveyance, and to submit to this Court for confirmation the agreement of partition within a period of sixty (60) days from receipt of a copy of this Decision. Should they unable [sic] to agree upon the partition, this Court shall appoint three (3) commissioners to make the partition. It is understood that the expenses for partition shall be shouldered by them in equal proportion.

No pronouncement as to damages.

SO ORDERED.³⁸ (Emphasis in the original)

³⁵ *Rollo*, p. 18.

³⁶ *Id.*

³⁷ *CA rollo*, pp. 32-44.

³⁸ *Id.* at 43-44.

The trial court held that Ester and the heirs of Cristobal were deprived of their rightful share in the subject property, as part of their inheritance. Since it was the only property left by Santiago, the lot in dispute should be divided in equal shares among his children.³⁹ Moreover, the trial court found the sale of the entire lot in favor of Justina doubtful. It held that Justina failed to explain why Santiago still applied for a free patent over the subject lot under his name in 1976, when the purported sale in her favor transpired in 1967.⁴⁰ Additionally, the sale was only registered with the Register of Deeds several decades after the alleged sale, without any explanation for such delay.⁴¹

The RTC also noted that when respondents asked for the partition of the lot among the heirs, the agreement between them was put into writing before the *Sangguniang* Barangay.⁴² In the agreement, Justina will get the ½ portion of the property, while Ester and the heirs of Cristobal will get ¼ portion each of the property.⁴³ The RTC highlighted that the agreement was even signed by respondents, the barangay chairperson, and the BARC chairperson.⁴⁴ It was only Justina who refused to sign it, stating she would consult her lawyer first.⁴⁵

Furthermore, the RTC also noted that Justina agreed to have the land divided in accordance with the agreement.⁴⁶

Aggrieved, Justina and Juanillo (petitioners) appealed⁴⁷ the RTC Decision to the CA.

Ruling of the Court of Appeals

In its February 24, 2017 Decision,⁴⁸ the CA denied the appeal. The *fallo* of the appellate court's Decision reads:

WHEREFORE, the appeal is **DENIED**. The Decision dated July 30, 2014 of the Regional Trial Court (RTC) of San Pablo City, Branch 32, in Civil Case No. SP-6657(10) is hereby **AFFIRMED**.

SO ORDERED.⁴⁹

³⁹ Records, pp. 166-167.

⁴⁰ Id. at 167.

⁴¹ Id.

⁴² Id. at 167-168.

⁴³ Id. at 168.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ CA *rollo*, pp. 26-31.

⁴⁸ *Rollo*, pp. 15-25.

⁴⁹ Id. at 24.

Anent the issue of misjoinder of actions, the CA held that the misjoinder of actions is not a ground for dismissal.⁵⁰ It explained that courts, on motion of the party or its own initiative, have the power to order the severance of the misjoined cause of action to be proceeded with separately.⁵¹ However, absent any objection to the improper joinder, the court may simultaneously adjudicate the erroneously joined causes of action, provided it has jurisdiction over all the causes of action.⁵² The CA pointed out that the trial court did not direct the severance of the action for declaration of nullity of title from the action for partition.⁵³ Moreover, the petitioners did not object to the misjoinder of causes of action. Thus, the court *a quo* validly adjudicated the issues raised in both causes of action.⁵⁴

As to the merits of the appeal, the CA found that while respondents did not specifically ask for the nullity of the deed of sale, their complaint contained a general prayer “for other relief and remedies under the premises as may be deemed just and equitable by the Honorable Court.”⁵⁵ Thus, even without the prayer for the specific remedy, proper relief may be granted if warranted by the facts alleged in the complaint and the evidence adduced in trial.⁵⁶ Besides, it would be absurd to declare the annulment of title in Justina’s name, without invalidating the Deed of Absolute Sale in her favor.⁵⁷

Additionally, the CA sustained the ruling of the court *a quo* ordering the partition of the lot in question.⁵⁸ It stressed that Ester, Justina, and Cristobal are indisputably legitimate children of Santiago and Eulalia. As such, they are entitled to inherit from Santiago in equal shares pursuant to Articles 979, 980, and 981 of the Civil Code.⁵⁹

Undeterred, petitioners filed the present petition presenting the following

Issues

- (A) WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE RTC RULING DECLARING THE DEED OF SALE DATED 28 AUGUST 1967 AS PARTIALLY NULL AND VOID [x x x].

⁵⁰ Id. at 20.
⁵¹ Id.
⁵² Id.
⁵³ Id. at 20-21.
⁵⁴ Id. at 21.
⁵⁵ Id. at 22.
⁵⁶ Id. at 22-23.
⁵⁷ Id.
⁵⁸ Id. at 23.
⁵⁹ Id. at 23-24.

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(B) WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE RTC RULING DIRECTING THE PARTITION OF THE SUBJECT LOT.⁶⁰

Our Ruling

The petition lacks merit.

Petitioners argue that the court *a quo* erroneously ruled upon the misjoined causes of action for annulment of title and partition, since the former is an ordinary civil action and the latter is a special civil action under the Rules of Court.⁶¹

Petitioners are mistaken. Section 6, Rule 2 of the Rules of Court explicitly states that a misjoinder of causes of action is not a ground for the dismissal of an action and that a misjoined cause of action may, on motion of a party or on the initiative of the court, be severed and proceeded with separately. While the court *a quo* may have overlooked the misjoined actions, such fact is not a ground to assail the validity of the decision or a ground for the dismissal of the case. Absent any objection on the part of the petitioner or a directive from the court *a quo* for the annulment of title and partition to proceed separately, both causes of action were validly adjudicated upon, considering that the court has jurisdiction over both causes of action. The case of *Ada v. Baylon*⁶² is instructive:

Nevertheless, misjoinder of causes of action is not a ground for dismissal. Indeed, the courts have the power, acting upon the motion of a party to the case or *sua sponte*, to order the severance of the misjoined cause of action to be proceeded with separately. However, if there is no objection to the improper joinder or the court did not *motu proprio* direct a severance, then there exists no bar in the simultaneous adjudication of all the erroneously joined causes of action.

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It should be emphasized that the foregoing rule only applies if the court trying the case has jurisdiction over all of the causes of action therein notwithstanding the misjoinder of the same. If the court trying the case has no jurisdiction over a misjoined cause of action, then such misjoined cause of action has to be severed from the other causes of action, and if not so severed, any adjudication rendered by the court with respect to the same would be a nullity.⁶³ (Citations omitted)

⁶⁰ Id. at 6.

⁶¹ Id. at 9.

⁶² 692 Phil. 432 (2012).

⁶³ Id. at 444-445.

Furthermore, this Court has previously allowed the annulment of titles in an action for partition. The case of *Sps. Villafria v. Plazo*⁶⁴ provides:

Moreover, the fact that respondents' complaint also prayed for the annulment of title and recovery of possession does not strip the trial court off of its jurisdiction to hear and decide the case. **Asking for the annulment of certain transfers of property could very well be achieved in an action for partition, as can be seen in cases where courts determine the parties' rights arising from complaints asking not only for the partition of estates but also for the annulment of titles and recovery of ownership and possession of property.**⁶⁵ (Emphasis supplied)

We also find no merit in petitioners' contention that the court *a quo* erroneously ruled upon the validity of the sale dated August 28, 1967 in favor of Justina, even if it was not one of the reliefs prayed for by the respondents.⁶⁶ Contrary to petitioners' assertion, their right to due process was not violated. While the complaint filed by the respondents did not include the nullity of the deed of sale as one of the specific reliefs sought for, it did contain a general prayer "*for other relief and remedies under the premises as may be deemed just and equitable by the Honorable Court.*"⁶⁷ This general prayer is construed to include the nullity of the deed of sale since it is also warranted by the facts alleged in the complaint and evidence adduced in trial.⁶⁸ The prayer in the complaint for other reliefs equitable and just under the premises justifies the grant of a relief not otherwise specifically prayed for.⁶⁹ Besides, the alleged deed of sale was the basis for petitioners' claim of ownership over the subject lot. Verily, the court *a quo* could rule upon its validity.

Petitioners likewise contend that respondents were not deprived of their rightful share in the subject property since Santiago had the right to dispose of his property during his lifetime.⁷⁰ On this point, we defer to the findings of the court *a quo* which found the sale to Justina doubtful.

It is well-settled that questions of fact are not reviewable in petitions for review on *certiorari* under Rule 45 of the Rules of Court. Generally, we are not duty-bound to analyze again and weigh the evidence introduced in and considered by the courts below.⁷¹ Moreover, the factual findings of the lower courts, if supported by substantial evidence, are accorded great respect and even

⁶⁴ 765 Phil. 761 (2015).

⁶⁵ Id. at 780-781.

⁶⁶ *Rollo*, pp. 6-8.

⁶⁷ Records, p. 3.

⁶⁸ *Prince Transport, Inc. v. Garcia*, 654 Phil. 296, 314 (2011).

⁶⁹ Id., citing *BPI Family Bank v. Buenaventura*, 508 Phil. 423, 436 (2005).

⁷⁰ *Rollo*, pp. 9-11.

⁷¹ *Medina v. Court of Appeals*, 693 Phil. 356, 366 (2012).

finality by this Court⁷² unless the case falls under any of the following exceptions: “(1) [w]hen the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) [w]hen the inference made is manifestly mistaken, absurd or impossible; (3) [w]here there is a grave abuse of discretion; (4) [w]hen the judgment is based on a misapprehension of facts; (5) [w]hen the findings of fact are conflicting; (6) [w]hen the [CA], in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) [w]hen the findings are contrary to those of the trial court; (8) [w]hen the findings of fact are conclusions without citation of specific evidence on which they are based; (9) [w]hen the facts set forth in the petition as well as in the petitioners main and reply briefs are not disputed by the respondents; and (10) [w]hen the findings of fact of the [CA] are premised on the supposed absence of evidence and contradicted by the evidence on record.”⁷³ The present case does not fall under any of the exceptions.

We see no reason to overturn the factual findings of the trial court, as affirmed by the CA. It should be noted that Santiago applied for a free patent over the subject property in 1976 and was subsequently issued OCT No. P-1539 in 1977 under his name. If the alleged sale to Justina indeed took place in 1967, it is highly dubious for Santiago to apply for a free patent under his name, when part of the property in question was no longer owned by him. There is also no explanation as to why the alleged sale was registered only in 2000, or 33 years after the purported sale in 1967. It is uncharacteristic of a conscientious buyer of real property not to cause the immediate registration of the deed of sale as well as the issuance of a new certificate of title in one’s name.⁷⁴ Furthermore, the alleged deed of sale only pertained to 300 square meters of the land but Justina unilaterally executed a *Kasulatan ng Pagpapatunay*,⁷⁵ stating that the property Santiago sold to her was actually the whole lot consisting of 684 square meters. However, this is nothing but a self-serving declaration that cannot be given due weight.

Taking all factual circumstances together, there can be no other conclusion other than that the alleged sale did not really take place.

WHEREFORE, the petition for review on *certiorari* is hereby **DENIED**. The assailed February 24, 2017 Decision and June 6, 2017 Resolution of the Couit of Appeals in CA-G.R. CV No. 103353 are hereby **AFFIRMED**.

⁷² *Id.*

⁷³ *Id.* at 366-367 citing *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics Inc.*, 665 Phil. 784-795 (2011).

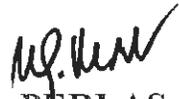
⁷⁴ *Serrano Mahilum v. Spouses Ilano*, 761 Phil. 334, 351 (2015).

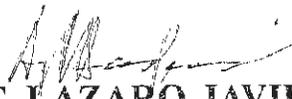
⁷⁵ Records, p. 144.

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


AMY C. LAZARO-JAVIER
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

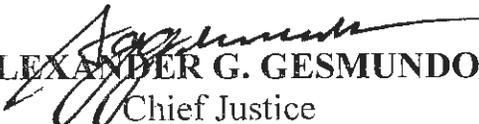
A T T E S T A T I O N

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice