



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

ELENA GAERLAN-OSTONAL,  
*Petitioner,*

G.R. No. 255538

- versus -

Present:

LEONEN, S.A.J., Chairperson,  
LAZARO-JAVIER,  
LOPEZ, M.  
LOPEZ, J., and  
KHO, JR., JJ.

ROMEO FLORES, RANDY  
FLORES, HEIRS OF  
FLORENCIO GAERLAN, THE  
OFFICE OF THE MUNICIPAL  
ASSESSOR OF BAUANG, LA  
UNION, and THE OFFICE OF  
THE PROVINCIAL ASSESSOR  
OF LA UNION,

*Defendants,*

HEIRS OF EFREN DELIM,  
*Respondents.*

Promulgated:

JAN 25 2023

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DECISION

KHO, JR., J.:

Assailed in this Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court are the Decision<sup>2</sup> dated October 14, 2019 and the Resolution<sup>3</sup> dated November 24, 2020 of the Court of Appeals (CA) in CA-G.R. CV No. 110437, which reversed and set aside the Decision<sup>4</sup> dated September 19, 2017 of the Regional Trial Court of Bauang, La Union, Branch 33 (RTC) in Civil

<sup>1</sup> *Rollo*, pp. 19-59.

<sup>2</sup> *Id.* at 79-93. Penned by Associate Justice Gabriel T. Robeniol with Associate Justices Celia C. Librea-Leagogo and Ramon A. Cruz, concurring.

<sup>3</sup> *Id.* at 95-97

<sup>4</sup> *CA rolle*, pp. 18-36. Penned by Presiding Judge Jacinto M. Dela Cruz, Jr.

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Case No. 1999-BG and, accordingly, dismissed the complaint of petitioner Elena Gaerlan-Ostonal (Elena) for lack of merit.

### The Facts

This case stemmed from a Complaint<sup>5</sup> for Cancellation of Tax Declaration, Declaration of Nullity of Extra-Judicial Settlement of Estate, Quieting of Title, Temporary Restraining Order (TRO) and Injunction, and Damages filed by Elena, against defendants Romeo Flores (Romeo), Randy Flores (Randy), the Heirs of Florencio Gaerlan (Heirs of Florencio), and Heirs of Efren Delim (Heirs of Efren; collectively, defendants). In her complaint, Elena alleged that she is one of the legitimate children and heirs of the late Chan Jut Co, also known as Emiliano Gaerlan/Emiliano Chan (Emiliano),<sup>6</sup> and Gorgonia Gapuz (Gorgonia), who got married on January 1, 1913 before Rev. Fr. Estanislao Filler in Bauang, La Union. Although no record of the marriage was found in the Office of Civil Registrar of Bauang, La Union and the Parish Office of St. Peter, Bauang, La Union, the purported principal sponsors of the wedding, namely, Pablo Sanchez (Sanchez) and Vicente Caluza (Caluza), executed a joint affidavit to prove the existence of the marriage. Elena claimed that on the day of her parents' wedding, Gorgonia's uncle gifted Gorgonia with a 727-square meter parcel of land located in Central East, Bauang, La Union (subject land), which was declared for tax purposes in Chan Jut Co's name under Tax Declaration (TD) No. 12438. This was subsequently revised by TD No. 49781 and again revised by TD No. 08541 on May 29, 1978. All the tax declarations were in the name of Chan Jut Co.<sup>7</sup>

According to Elena, Felicidad Gaerlan (Felicidad), Efren Delim (Efren), and Romeo, claiming to be compulsory and legal heirs of Chan Jut Co, executed an Extra-Judicial Settlement with Waiver<sup>8</sup> (EJS) dated March 29, 1983 and adjudicated unto themselves the subject property without her knowledge and consent. This resulted in the cancellation of TD No. 08541 in the name of Chan Jut Co and the transfer of TDs covering equal portions of the land to Romeo (TD No. 2009-07-0002-01001), Efren (TD No. 2009-07-0002-01002), and Florencio (TD No. 2009-07-0002-01003), considering that Felicidad renounced and waived her share in favor of Florencio, her stepbrother. Thus, Elena was constrained to file the instant complaint to recover the subject land.<sup>9</sup>

In support of her claim that Gorgonia is the lawfully wedded wife of Emiliano from whom she acquired the subject land, Elena offered various documentary evidence, including the following: (a) Joint Affidavit dated July

<sup>5</sup> Records, pp. 2-7.

<sup>6</sup> Interchangeably referred to as "Chan Jut Co" and "Emiliano" in this Decision.

<sup>7</sup> See *rollo*, pp. 79 and 81.

<sup>8</sup> Records, pp. 13-14.

<sup>9</sup> *Rollo*, p. 82.

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3, 1970 executed by Sanchez and Caluza, who were the principal sponsors of the wedding of Emiliano and Gorgonia, attesting to the existence of the latter's marriage;<sup>10</sup> (b) Certification dated June 25, 1970 issued by the parish priest of Parish of St. Peter, Msgr. Macario Diaz (Msgr. Diaz), that the original record of the marriage certificate between Emiliano and Gorgonia cannot be found due to old age of the record and some of its pages were torn or missing;<sup>11</sup> (c) Certifications coming from the Office of the Local Civil Registrar of Bauang, La Union stating that the births of Elena and her siblings were recorded in its Register of Births, and that their parents are Chan Jut Co and Gorgonia;<sup>12</sup> (d) Certification coming from the Office of the Local Civil Registrar of Bauang, La Union stating that the death of Emiliano was recorded in its Register of Deaths and that he was married;<sup>13</sup> and (e) Certificates of Death issued by St. Peter and St. Paul Parish, Diocese of San Fernando de La Union, stating, among others, that Emiliano was married to Gorgonia.<sup>14</sup>

In defense, the Heirs of Efren contended that the legitimate wife of Emiliano was Esperanza Flores (Esperanza), whom he married in the 1900s. Their legitimate children were Felicidad F. Gaerlan, Maura F. Chan (also known as Maura Gaerlan) and Marcos Flores. Maura F. Chan was the mother of the late Efren whose children are herein referred to as the Heirs of Efren. They claim that the subject land was part of the conjugal property of Emiliano and Esperanza. Thus, the subject lot covered by TD No. 2009-07-0002-01002 registered in the name of Efren is owned by them. Together with their predecessor, Efren, they have tacked their notorious, public, and open ownership and possession under a valid title and in good faith over the property for almost 28 years already, as evidenced by a series of tax declarations, real property tax receipts, real property tax account register, and certification issued by the Office of the Municipal Treasurer. Moreover, the Heirs of Efren alleged that since the 1970s up to the present, Elena resided in Guam and only came to the Philippines for vacation. For 28 years, Elena never questioned the registration of the land in the name of the late Efren despite her knowledge. They also claimed that Elena knew of the extrajudicial settlement because every time she came back for vacation, she stayed at the place adjacent to Efren's lot.<sup>15</sup>

The other defendants, namely Romeo, Randy, and the Heirs of Florencio were declared in default for failing to file their respective Answers despite due notice.<sup>16</sup>

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<sup>10</sup> Records, p. 247.

<sup>11</sup> Id. at 248.

<sup>12</sup> Id. at 250 and 363-367.

<sup>13</sup> Id. at 358.

<sup>14</sup> Id. at 360-361.

<sup>15</sup> See *rollo*, pp. 82-83.

<sup>16</sup> See CA *rollo*, p. 34.

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### The RTC Ruling

In a Decision<sup>17</sup> dated September 19, 2017, the RTC ruled in favor of Elena, to wit:

**WHEREFORE**, after a thorough study and consideration of all the facts in this case and the evidence of the parties, as well as the applicable laws and jurisprudence, this Court rules in favor of plaintiff and against defendants:

- 1) The Extra-Judicial Settlement of Estate dated March 29, 1983 is declared void *ab initio*;
- 2) The Office of the Municipal Assessor of Bauang, La Union and the Provincial Assessor of La Union are ordered to cancel Tax Declaration No. 2009-07-0002-[01001] in the name of Romeo Flores, Tax Declaration No. 2009-07-0002-01003 in the name of Florencio Gaerlan, and Tax Declaration No. 2009-07-0002-01002 in the name of Efren G. Delim and all other subsequent tax declarations which emanated from these tax declarations;
- 3) The defendants are ordered to [pay] plaintiff;
  - a) Thirty Thousand Pesos (P30,000.00) as moral damages;
  - b) Twenty Thousand Pesos (P20,000.00) as attorney's fees and Two Thousand Pesos (P2,000.00) appearance fee for every court hearing; and
  - c) Cost of suit.

**SO ORDERED.**<sup>18</sup>

The RTC found that, based on the documentary evidence presented, Emiliano was married to Gorgonia and not Esperanza. Thus, Elena, as successor-in-interest of Emiliano and Gorgonia, had a better title over the subject property over respondents who purportedly derived their title from Emiliano and Esperanza. Accordingly, it ordered the nullification of the EJS, as well as the cancellation of TD Nos. 2009-07-0002-01001, 2009-07-0002-01002, and 2009-07-0002-01003 which were issued on the basis thereof.<sup>19</sup>

Only the Heirs of Efren appealed to the CA.<sup>20</sup>

### The CA Ruling

In a Decision<sup>21</sup> dated October 14, 2019, the CA reversed and set aside the RTC ruling, *viz.*:

<sup>17</sup> Id. at 18-36. Penned by Presiding Judge Jacinto M. Dela Cruz, Jr.

<sup>18</sup> Id. at 35-36.

<sup>19</sup> Id. at 29-35. See also *rollo*, pp. 83-84.

<sup>20</sup> See Notice of Appeal dated November 20, 2017; *CA rollo*, pp. 37-39.

<sup>21</sup> *Rollo*, pp. 79-93. Penned by Associate Justice Gabriel T. Robeniol with Associate Justice Celia C. Librea-Leagogo and Associate Justice Ramon A. Cruz concurring.

**WHEREFORE**, the *appeal* is **PARTLY GRANTED**. The *Decision* dated September 19, 2017 of the Regional Trial Court, Branch 33, Bauang, La Union, in Civil Case No. 1999-BG, is **REVERSED** and **SET ASIDE**. Plaintiff-appellee's *Complaint* is **DISMISSED** for lack of merit.

**SO ORDERED.**<sup>22</sup>

Prefatorily, the CA found that Elena's action — although originally denominated as one for Cancellation of Tax Declaration, Declaration of Nullity of Extra-Judicial Settlement of Estate, Quieting of Title, TRO and Injunction, and Damages — was actually one for the settlement of the estate of Emiliano including the determination of his heirs who are supposedly entitled to his estate. *However, such matters were not proper in the instant ordinary action as they fall within the ambit of special proceedings.* Hence, the CA limited its decision in determining the validity of the extrajudicial settlement executed by the respondents.<sup>23</sup>

Going to the substantial merits of the case, the CA held that Elena failed to prove the existence of the purported marriage between Chan Jut Co and Gorgonia. In so ruling, the CA pointed out that Elena's documentary evidence, particularly the documents executed by Sanchez, Caluza, and Msgr. Diaz, were found to be hearsay evidence because the affiants were not presented before trial. Furthermore, the certificates of live birth and death merely proved Elena and her siblings' parentage, and the deaths of Emiliano, respectively — and did not attest to any marriage celebrated between Emiliano and Gorgonia. Given the foregoing, the CA concluded that since Elena failed to discharge her burden to prove that Gorgonia was married to Emiliano from whom she purportedly acquired the subject land, then she had likewise failed to prove the nullity of the EJS dated March 29, 1983. The foregoing notwithstanding, the CA limited the effects of the reversal of the RTC ruling to the Heirs of Efren, pointing out that they were the only ones who appealed before it, effectively reinstating TD No. 2009-07-0002-01002 under Efren's name. As such, the CA opined that the RTC Decision dated September 19, 2017 had already become final with respect to the other respondents and their alleged share of properties covered by TD Nos. 2009-07-0002-01001 and 2009-07-0002-01003.<sup>24</sup>

Aggrieved, Elena filed a Motion for Reconsideration<sup>25</sup> dated November 8, 2019, but the same was denied in a Resolution<sup>26</sup> dated November 24, 2020.

Hence, this petition.

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<sup>22</sup> Id. at 93.

<sup>23</sup> Id. at 87-88.

<sup>24</sup> See id. at 88-93.

<sup>25</sup> CA *rollo*, pp. 193-205.

<sup>26</sup> *Rollo*, pp. 95-97.

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### The Issue Before the Court

The issue for the Court's resolution is whether the CA correctly reversed the RTC ruling, and accordingly, dismissed Elena's complaint for lack of merit.

### The Court's Ruling

The petition is meritorious.

#### I.

At the outset, the Court acknowledges that the CA correctly pointed out that: (a) Elena's action, although originally denominated as one for Cancellation of Tax Declaration, Declaration of Nullity of Extra-Judicial Settlement of Estate, Quieting of Title, etc., essentially seeks for, *inter alia*, determination of Emiliano's heirs who are supposedly entitled to his estate; and (b) such matters were not proper in the instant ordinary action as they fall within the ambit of special proceedings.

However, it is well to clarify that in *Treyes v. Larlar*<sup>27</sup> (*Treyes*), no less than the Court *En Banc*, through Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), held that even in ordinary actions, a declaration of heirship may be had in order to resolve the cause of action of an ordinary civil action, to wit:

Given the clear dictates of the Civil Code that the rights of the heirs to the inheritance vest immediately at the precise moment of the decedent's death even without judicial declaration of heirship, and the various Court *En Banc* and Division decisions holding that no prior judicial declaration of heirship is necessary before an heir can file an ordinary civil action to enforce ownership rights acquired by virtue of succession through the nullification of deeds divesting property or properties forming part of the estate and reconveyance thereof to the estate or for the common benefit of the heirs of the decedent, the Court hereby resolves to clarify the prevailing doctrine.

Accordingly, the rule laid down in *Ypon, Yaptinchay, Portugal, Reyes, Heirs of Gabatan v. Court of Appeals*, and other similar cases, which requires a prior determination of heirship in a separate special proceeding as a prerequisite before one can file an ordinary civil action to enforce ownership rights acquired by virtue of succession, is abandoned.

Henceforth, the rule is: **unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the**

<sup>27</sup> See G.R. No. 232579, September 8, 2020.

**enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.** The ruling of the trial court shall only be in relation to the cause of action of the ordinary civil action, *i.e.*, the nullification of a deed or instrument, and recovery or reconveyance of property, which ruling is binding only between and among the parties.<sup>28</sup> (Emphasis and underscoring in the original)

Further explaining this rule, Senior Associate Justice Estela M. Perlas-Bernabe explained in her Concurring Opinion in *Treyes*:

While petitioner invokes *Ypon*, as well as other similar cases wherein it was effectively held that heirs need to first secure a prior declaration of heirship in a special proceeding before protecting or defending their interests in the estate, this doctrine appears to have already been *abandoned* in more recent jurisprudence — such as *Heirs of Lopez v. Development Bank of the Philippines* and *Capablanca v. Heirs of Bas* — **wherein the Court has already settled that an heir may assert his right to the property of the deceased, notwithstanding the absence of a prior judicial declaration of heirship made in a special proceeding.**

As edified in the above cases, a prior declaration of heirship in a special proceeding **should not** be required before an heir may assert successional rights in an ordinary civil action **aimed only to protect his or her interests in the estate.** Indeed, the legal heirs of a decedent should not be rendered helpless to rightfully protect their interests in the estate while there is yet no special proceeding. This requirement, to my mind, substantively modifies the essence of Article 777 of the Civil Code which provides that “[t]he rights to the succession are transmitted from the moment of the death of the decedent.”

For better perspective, these more recent cases echo case law which instructs that “[p]ending the filing of administration proceedings, **the heirs without doubt have legal personality to bring suit in behalf of the estate of the decedent in accordance with the provision of Article 777 of the [Civil Code] x x x [; which]** in turn is the foundation of the principle that the property, rights and obligations to the extent and value of the inheritance of a person are **transmitted through his death to another or others by his will or by operation of law.**” As I see it, this more recent strand of jurisprudence correctly recognizes the legal effects of Article 777 of the Civil Code, and thus, adequately provides for remedies for the heirs to protect their successional rights over the estate of the decedent *even prior to the institution of a special proceeding for its settlement.* Thus, despite the absence of said special proceeding, an ordinary civil action for the purpose of protecting their legal interest in the estate may be availed of by the putative heirs. In this regard, they are merely asserting their successional rights, which are transmitted to them from the moment of the decedent’s death.

x x x x

At this point, it is well to recognize that in these **ordinary civil actions aimed merely to protect the interest of the heirs so that the**

<sup>28</sup> See *id.*; citations omitted.

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**properties in dispute may properly revert to the estate**, the court (unlike in this case where heirship is not at issue) might have to tackle the issue of heirship so as to determine whether or not: (a) the plaintiff/defendant-heirs are real parties-in-interest to the suit; and (b) they are entitled to the reliefs sought. The court is competent to pass upon these matters but it must be stressed that **any discussion that touches upon the issue of heirship should be made only “in relation to the cause of action of the ordinary civil action” and for the limited purpose of resolving the issue/s therein, and such finding would not operate to bar the parties from raising the same issue of heirship in the appropriate forum, i.e., special proceedings.** As such, any declaration of heirship made in an ordinary civil action to recover property should only be deemed as provisional to the extent that it is necessary to determine who between the parties has the better right to possess/own the same. This *provisional* approach is similarly observed in ejectment cases where the issue of ownership may be passed upon for the limited purpose of resolving who has the right to possess the property.

Furthermore, and at the risk of belaboring the point, in such ordinary civil actions, the court's ruling, if in favor of the heirs, should be limited to the **reversion of the property/ies in litigation back to the estate of the decedent.** Verily, as the courts *a quo* have herein recognized, the court cannot, as a general rule, order the partition of the property/ies of the decedent and distribute it/them among the heirs, because the court simply has no jurisdiction to do so in this ordinary civil action. In this relation, a special proceeding for the settlement of estate is necessary to not only definitively determine who are the true and lawful heirs to which specific portions of the estate may be distributed, but also, even prior thereto, to first pay off the claims against the estate, which is essential to ascertain the net estate to be distributed. Note, however, that, as an exception, the heirs may avail of an “ordinary action for partition” but only pursuant to the special conditions under Section 1, Rule 74 of the Rules of Court, namely, that: (a) the decedent left no will and no debts; (b) the heirs are all of age or the minor heirs are represented by their respective guardians; (c) the agreement or adjudication is made by means of a public instrument duly filed with the Register of Deeds; (d) the parties thereto shall, simultaneously with and as a condition precedent to the filing of the public instrument, file a bond; and (e) the fact of settlement shall be published in a newspaper of general circulation.<sup>29</sup> (Emphasis and underscoring in the original)

In this case, a circumspect review of Elena's complaint reveals that she prayed<sup>30</sup> for the cancellation of the EJS executed by the defendants as

<sup>29</sup> See Senior Associate Justice Estela M. Perlas-Bernabe Concurring Opinion; *id.* (citations omitted).

<sup>30</sup> “**NOW, THEREFORE**, in view of the foregoing recitals, plaintiff seeks succor from the Honorable Court and most respectfully prays that judgment be rendered:

1. GRANTING plaintiff's prayer for the issuance of a Temporary Restraining Order and a Writ of Preliminary Prohibitory Injunction to enjoin defendants from selling and / or, in any way, disposing the subject parcel of land, introducing any improvement thereon and dispossessing plaintiff of her lawful enjoyment of the same.
2. DECLARING the Extra-Judicial Settlement of Estate, dated March 29, 1983, NULL AND VOID ab initio.
3. DIRECTING the Office of the Municipal Assessor, Bauang, La Union and the Office of the Provincial Assessor, City of San Fernando, La Union to cancel Tax Declaration No. 2009-07-0002-01 (sic), Tax Declaration No. 2009-07-0002-01003 and Tax Declaration No. 2009-07-0002-01002 issued in the name of ROMEO FLORES, FLORENCIO GAERLAN and EFREN G. DELIM, respectively, and to further quiet plaintiff's title thereto, and

purported heirs of Emiliano, as well as the TDs that were issued as a result of such EJS. Notably, she never prayed that the subject land be awarded to her. Thus, should her complaint be granted, the subject land will not immediately be put under her name; rather, it will simply revert to Emiliano's estate, which should be settled in a separate judicial or extrajudicial settlement proceeding.

Essentially, in filing the complaint, Elena is merely asserting her successional interests over the subject land which she (and her co-heirs) obtained at the exact moment of Emiliano's death, it being part of the latter's estate. Thus, she is allowed to make such assertion by filing an ordinary civil action, such as the complaint that she filed before the court *a quo*.

Thus, and pursuant to *Treyes*, the Court may determine who between Elena (and her siblings) and defendants are the true heirs of Emiliano, who in turn, are entitled to the subject land, for the limited purpose of resolving the instant case.

## II-A.

In essence, Elena's main cause of action against defendants is for quieting of title. In *Filipinas Esilon Manufacturing Corp. v. Heirs of Llanes*,<sup>31</sup> the Court, through Justice Caguioa, elucidated on the remedy of quieting of title as follows:

Specifically, 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 put 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. **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, encumbrance, or proceeding claimed to be casting cloud on his title must be shown to be in fact**

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4. ORDERING defendants to pay plaintiff the following sums, to wit:
    - a. THIRTY THOUSAND PESOS (Php30,000.00) as MORAL DAMAGES;
    - b. TWENTY THOUSAND PESOS (Php20,000.00) as ATTORNEY'S FEES, plus TWO THOUSAND PESOS (Php2,000.00) for every hearing as APPEARANCE FEE;
    - c. THIRTY THOUSAND PESOS (Php30,000.00) by way of EXEMPLARY DAMAGES; and
    - d. Cost of the suit."

(Records, pp. 6-7.)

<sup>31</sup> 850 Phil. 591 (2019) [Second Division].

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**invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.**<sup>32</sup> (Emphasis and underscoring supplied)

## II-B.

As regards the first requisite, the courts *a quo* have divergent views. On the one hand, the RTC declared that Elena had proven her legal title to the subject land as successor-in-interest of Emiliano and Gorgonia; on the other hand, the CA opined that Elena had failed to prove her legal title thereto. In this regard, it is well to note that generally, the Court is not a trier of facts that undertakes to re-examine evidence presented by contending parties during trial.<sup>33</sup> Nonetheless, the Court has recognized several exceptions to the rule including when the CA findings are contrary to those of the trial court,<sup>34</sup> as in this case. Given the contrasting views of the courts *a quo*, the Court shall now resolve questions of fact pertaining to the existence of the first requisite of quieting of title in this case.

It is settled that in civil cases, the party having a burden of proof must establish their case by a preponderance of evidence, which means that “the evidence as a whole adduced by one side is superior to that of the other. It refers to the weight, credit and value of the aggregate evidence on either side and is usually considered to be synonymous with the term ‘greater weight of evidence’ or ‘greater weight of the credible evidence.’ It is evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto.”<sup>35</sup>

An arduous review of the records would reveal that the totality of the evidence presented in this case preponderates in Elena’s favor.

As may be recalled, Elena presented various documentary evidence in support of her complaint, including: (a) Certifications coming from the Office of the Local Civil Registrar of Bauang, La Union stating that the births of Elena and her siblings were recorded in its Register of Births, and that their parents are Emiliano and Gorgonia;<sup>36</sup> (b) Certification coming from the Office of the Local Civil Registrar of Bauang, La Union stating that the death of Emiliano was recorded in its Register of Deaths and that he was married;<sup>37</sup> and (c) Certificates of Death issued by St. Peter and St. Paul Parish, Diocese of San Fernando, La Union, stating, among others that Emiliano was married

<sup>32</sup> Id. at 606, citing *Mananquil v. Moico*, 699 Phil. 120, 126-127 (2012) [Per J. Del Castillo, Second Division].

<sup>33</sup> See *Locsin v. Hizon*, 743 Phil. 420, 428 (2014) [Per J. Velasco, Jr., Third Division].

<sup>34</sup> *Angeles v. Pascual*, 673 Phil. 499, 506 (2011) [Per J. Bersamin, First Division].

<sup>35</sup> *BP Oil and Chemicals International Philippines, Inc. v. Total Distribution & Logistic Systems, Inc.*, 805 Phil. 244, 262 (2017) [Per J. Peralta, Second Division], citing *Raymundo v. Lunaria*, 590 Phil. 546, 552-553 (2008) [Per J. Quisumbing, Second Division].

<sup>36</sup> Records, pp. 250 and 363-367.

<sup>37</sup> Id. at 358.

to Gorgonia.<sup>38</sup> Even assuming *arguendo* that the foregoing documentary evidence do not necessarily establish the marriage between Emiliano and Gorgonia and that the affidavits and certifications issued by Caluza, Sanchez, and Msgr. Diaz were hearsay evidence as the CA posited, **the Court views the foregoing as sufficient to prove that Elena and her siblings are indeed filiated to Emiliano; and hence, the latter's compulsory heirs who are entitled to the subject land by way of succession.**

On the other hand, the evidence on record does not sufficiently show that defendants are filiated to Emiliano. The Heirs of Efren adduced the following documentary evidence: (a) Certification coming from the Office of the Local Civil Registrar of Bauang, La Union of the birth of Efren C. Dilim whose mother was Maura Chan; (b) Certification coming from the Office of the Local Civil Registrar of Bauang, La Union of the marriage between Celia G. Maglaya and Efren G. Delim, whose father and mother were Ignacio Delim and Maura Gaerlan, respectively;<sup>39</sup> (c) Certificate of Death of Maura Flores Dilim whose father was Emiliano Chan; and (d) Certification coming from the Office of the Local Civil Registrar of Bauang, La Union of the death of Maura F. Dilim.<sup>40</sup> However, the Court views that the Certificate of Death stating that Maura Flores Dilim's father was Emiliano Chan was not enough to prove the filiation between the two. It certifies the fact of death of Maura F. Dilim but does not certify that she was born to Emiliano. Unlike the pieces of evidence produced by Elena where she submitted her and her sibling's certification of birth attesting to the fact that they were born to Emiliano and Gorgonia.

Moreover, the Negative Certification of Birth<sup>41</sup> issued by the National Statistics Office - Office of the Civil Registrar General (NSO-OCR) stating that there is no record of birth of a certain Maura F. Chan whose parents are Emiliano and Esperanza further puts doubt that such filiation existed. To the Court, should they be really filiated to Emiliano, no such certification coming from the NSO-OCR would have been issued in the first place. It is well to stress that a public document duly recorded in the local civil registry is *prima facie* evidence of the facts stated therein. While it may be true that as a mere *prima facie* evidence, the facts contained in such document are not conclusive and may still be rebutted, still, a high degree of proof is needed to overthrow the presumption of truth contained in such public document.<sup>42</sup> Here, there is simply not enough evidence presented by defendants to overcome the presumption of truth contained in the aforementioned Negative Certification of Birth.

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<sup>38</sup> Id. at 360-361.

<sup>39</sup> Id. at 133-134.

<sup>40</sup> Id. at 135-136.

<sup>41</sup> Id. at 475.

<sup>42</sup> See *Tan v. Office of the Local Civil Registrar of the City of Manila*, 851 Phil. 728, 746 (2019) [Per J. J. Reyes, Jr., Second Division]; citations omitted.

Moreover, and as the RTC aptly pointed out, one of the defendants, Lolita Gaerlan Calica (Lolita), being one of the Heirs of Florencio, even testified in favor of Elena. Pertinent portions of Lolita's Judicial Affidavit which served as her direct testimony, read:

Q: When you were still young, who do you recall stayed on the said parcel of land?

A: Chan Jut Co and Gorgonia Gapuz, together with their children, sir.

x x x x

Q: Was there any person in the name of Esperanza Flores who resided on the said lot, if you know?

A: None, sir.

Q: At the present, who resides on the said parcel of land?

A: Elena Gaerlan-Ostonal, sir. In fact, Elena Gaerlan-Ostonal constructed a two-storey house thereon in 1989.

Q: How about Efren Delim, Sr. and Romeo Flores, did they reside on the said parcel of land?

A: No sir. I have not seen them set foot on the said lot.

Q: What is your participation in the instant case, if any?

A: I was impleaded as party-defendant, sir, since I am a child of Florencio Gaerlan and hence his heir.

Q: Were you able to receive the summons, together with the copy of the Complaint in the instant case, which was issued by the Honorable Court requiring you to file your answer to the Complaint of Elena Gaerlan-Ostonal against you?

A: Yes, sir.

Q: Did you and your siblings read and understand the Complaint of Elena Gaerlan-Ostonal?

A: Yes, sir.

Q: Did you and your siblings answer the Complaint filed by Elena Gaerlan-Ostonal?

A: No, sir.

**Q: Why did you not file your answer to the Complaint filed by Elena Gaerlan-Ostonal?**

**A: Because everything written in the complaint is true, sir.**

Q: Where you in court when Elena Gaerlan-Ostonal testified in the instant case?

A: Yes, sir.

Q: Were you able to hear and understand her testimony and everything she said?

A: Yes, sir.

**Q: What can you say about her testimony?**

**A: All the things she said before the Honorable Court are true, sir.**

Atto

Q: Did you receive a copy of Elena Gaerlan-Ostonal's Judicial Affidavit relative to the instant case?

A: Yes, sir.

Q: Were you able to read and understand her Judicial Affidavit?

A: Yes, sir.

**Q: What can you say of (sic) all its contents?**

**A: They are all true, sir.**<sup>43</sup> (Emphases and underscoring supplied)

Verily, Lolita's statements in her Judicial Affidavit qualify as judicial admissions because the same are deliberate, clear, unequivocal statements during judicial proceedings about concrete or essential facts within her peculiar knowledge. Being characterized as judicial admissions, Lolita's statements no longer require proof pursuant to our prevailing Rules on Evidence.<sup>44</sup>

In light of the foregoing, the Court is convinced that Elena, as a compulsory heir of Emiliano and Gorgonia, indeed has legal title to the subject land, thereby satisfying the first requisite for the remedy of quieting of title to prosper.

### II-C.

Anent the second requisite for the remedy of quieting of title to prosper, suffice it to say, the second requisite is indubitably present, considering that defendants, thru the EJS, have apportioned amongst themselves portions of the subject land as evinced by TD Nos. 2009-07-0002-01001, 2009-07-0002-01002, and 2009-07-0002-01003. Verily, the EJS and TDs cast cloud on the legal title of Elena and her siblings to the subject land. Furthermore, in view of defendant's failure to prove their filiation to Emiliano, they have no right to settle his estate. As such, the EJS and the resultant TDs are void *ab initio* and could not operate to give them any right over the subject land, which again, is part of Emiliano's estate.

### III.

In sum, the Court rules that Elena was able to prove through the required evidentiary threshold, *i.e.*, preponderance of evidence, her

<sup>43</sup> See *CA rollo*, pp. 34-35.

<sup>44</sup> See *Aghayani v. Lupa Realty Holding Corporation*, 853 Phil. 49, 66-68 (2019) [Per J. Caguioa, Second Division]. See also Section 4, Rule 129 of the Rules on Evidence, which provides:

Section 4. *Judicial admissions.* — An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.

*ALC*

entitlement to the reliefs she sought for in her complaint. As such, the CA ruling must be reversed and set aside. Consequently, the RTC ruling – which granted her complaint – must be reinstated with modification, in that the monetary awards due to her must earn legal interest at the rate of six percent (6%) per annum from finality of this ruling until full payment, in accordance with prevailing jurisprudence.<sup>45</sup>

**ACCORDINGLY**, the petition is **GRANTED**. The Decision dated October 14, 2019 and the Resolution dated November 24, 2020 of the Court of Appeals in CA-G.R. CV No. 110437 are hereby **REVERSED** and **SET ASIDE**. The Decision dated September 19, 2017 of the Regional Trial Court, Branch 33, of Bauang, La Union in Civil Case No. 1999-BG is **REINSTATED** with **MODIFICATION**, in that the monetary awards due to petitioner Elena Gaerlan-Ostonal shall earn legal interest at the rate of six percent (6%) per annum from finality of this Decision until full payment.

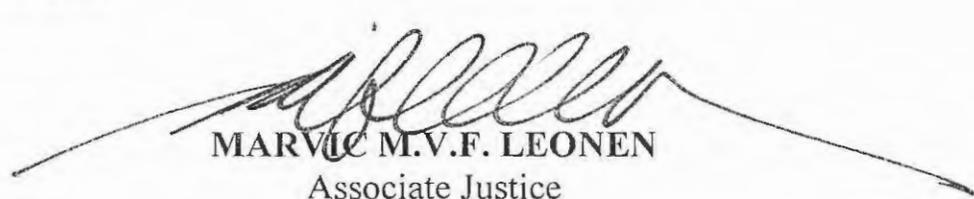
**SO ORDERED.**



**ANTONIO T. KHO, JR.**

Associate Justice

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**

Associate Justice

Chairperson



**AMY C. LAZARO-JAVIER**

Senior Associate Justice



**MARIVIC LOPEZ**

Associate Justice



**JHOSEP LOPEZ**

Associate Justice

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<sup>45</sup> See *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, 860 Phil. 744, 775-778 (2019) [Per J. Carpio, *En Banc*].

**A T T E S T A T I O N**

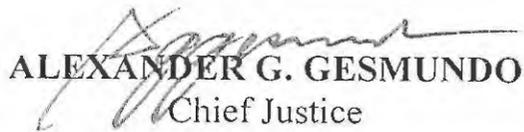
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**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