



Republic of the Philippines  
**Supreme Court**  
Manila

FIRST DIVISION

CONRADO NUÑEZ, JR.,  
CLARITA NUÑEZ-ABRAHAM,  
CELIA NUÑEZ-NUÑEZ, HEIRS  
OF EDUVEGES NUÑEZ-ALINEA,  
AS REPRESENTED BY  
CONRADO NUÑEZ, JR., AND  
HEIRS OF HELEN NUÑEZ-  
QUIOZON, REPRESENTED BY  
ROBERT CONRAD NUÑEZ  
QUIOZON AND CONRADO  
NUÑEZ, JR.,

Petitioners,

G.R. No. 267108

Present:

GESMUNDO,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, JJ.

-versus-

SPOUSES OSCAR AND NORMA  
NUÑEZ, THE CITY ASSESSOR  
OF QUEZON CITY, AND THE  
REGISTER OF DEEDS OF  
QUEZON CITY,

Respondents.

Promulgated:

FEB 05 2025

*mtf/abk*

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DECISION

HERNANDO, J.:

For the Court's resolution is a Petition<sup>1</sup> seeking to set aside the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 115605. The assailed CA rulings reversed the Decision<sup>4</sup> of the Regional Trial Court, Quezon City (RTC), Branch 222 in Civil Case No. R-QZN-14-00363-CV.

### *Antecedents*

This case stems from conflicting claims of ownership over a 243.50-square meter parcel of land with improvements located at No. 20, Corregidor Street, Bago Bantay, Quezon City (Corregidor Property).<sup>5</sup>

Spouses Conrado Nuñez, Sr. (Conrado, Sr.) and Maria Nuñez (Maria) had six children, namely: Conrado Nuñez, Jr. (Conrado, Jr.), Clarita Nuñez-Abraham (Clarita), Celia Nuñez-Nuñez (Celia), Eduveges Nuñez-Alinea (Eduveges), Helen Nuñez-Quiozon (Helen), and Oscar Nuñez (Oscar). Norma Nuñez (Norma) is the wife of Oscar.<sup>6</sup>

Conrado, Sr., Maria, Eduveges, and Helen are already deceased.<sup>7</sup> The heirs of Eduveges and Helen are represented in this case by Conrado, Jr.<sup>8</sup>

### *Version of Petitioners*

According to the petitioners, the Corregidor Property is owned by Maria, as evidenced by Transfer Certificate of Title (TCT) No. 262412<sup>9</sup> dated October 4, 1979, and by Tax Declaration (TD) No. B-090-00788.<sup>10</sup> Only a photocopy of the first page of TCT No. 262412 was presented by petitioners since they cannot locate the owner's duplicate certificate of title despite diligent efforts.<sup>11</sup> In addition, they presented a Certification<sup>12</sup> dated December 6, 2013 from the Registry of Deeds (RD) of Quezon City stating that "the original of TCT No. 262412 allegedly registered under the name of Maria T[.] Nu[ñ]ez was not

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<sup>1</sup> *Rollo*, pp. 9–51.

<sup>2</sup> *Id.* at 378–388. The November 25, 2022 Decision in CA-G.R. CV No. 115605 was penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Emily R. Aliño-Geluz of the Special Thirteenth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 431–433. The April 28, 2023 Resolution in CA-G.R. CV No. 115605 was penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Emily R. Aliño-Geluz of the Former Special Thirteenth Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 280–286. The July 29, 2019 Decision in Civil Case No. R-QZN-14-00363-CV was penned by Presiding Judge Edgar Dalmacio Santos of Branch 222, Regional Trial Court, Quezon City.

<sup>5</sup> *See id.* at 379.

<sup>6</sup> *See id.* at 378–379.

<sup>7</sup> *See id.* at 10, 80, and 88.

<sup>8</sup> *See id.* at 67–76.

<sup>9</sup> *Id.* at 77.

<sup>10</sup> *Id.* at 78.

<sup>11</sup> *See id.* at 14.

<sup>12</sup> *Id.* at 79.

included among those saved titles during the fire that razed the Quezon City Hall Building last June 11, 1988[.]”<sup>13</sup>

Maria and her family started occupying the Corregidor Property since the early 1960’s. Back then, the improvement on the property was just a house made out of wood. In the 1970’s, Maria built a bungalow house with three bedrooms and one toilet and bath for her family. Thereafter, an extension was constructed on the side to add another bedroom for Clarita who just got married that time.<sup>14</sup>

In 1981, Maria, together with her daughters, Helen and Eduveges, and the latter’s respective husbands, funded the construction of a duplex on the back portion of the property. Around 1987, Conrado, Jr. supervised the construction of a triplex on the front portion of the property since he had no house of his own.<sup>15</sup> Maria funded the construction of the triplex using her retirement benefits, with Helen and Celia adding their respective contributions. However, the construction was discontinued due to insufficient funds. During this period, Oscar, the eldest child, was gainfully employed at the Asian Development Bank.<sup>16</sup>

Considering Oscar’s background, he was tasked to process a loan application to finish the development of the property. He was also tasked to organize the collection of the respective shares of his siblings for the completion of the construction.<sup>17</sup> In May 1988, Oscar was able to successfully secure a PHP 400,000.00 loan from Union Bank of the Philippines. The Corregidor Property was used as a collateral for the loan.<sup>18</sup>

On January 31, 1989, Maria passed away.<sup>19</sup>

After full payment of the loan in February 2004, the petitioners discovered that Maria’s title and tax declaration were already cancelled, and that TCT No. RT-125152<sup>20</sup> and TD Nos. E-099-00396 and D-090-01967<sup>21</sup> were already issued in the name of Oscar. The petitioners contended that the Corregidor Property is co-owned because the legal title over the same was transferred by Maria to Oscar only for the loan application. She had no real intention of relinquishing her ownership. Unfortunately, Maria was no longer able to transfer the legal title back to her name since she passed away in 1989.<sup>22</sup>

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<sup>13</sup> See *id.*

<sup>14</sup> See *id.* at 15.

<sup>15</sup> See *id.*

<sup>16</sup> See *id.*

<sup>17</sup> See *id.* at 15–16.

<sup>18</sup> See *id.* at 16.

<sup>19</sup> See *id.* at 88.

<sup>20</sup> *Id.* at 81–84.

<sup>21</sup> *Id.* at 85–87.

<sup>22</sup> See *id.* at 16.

To support their claim of co-ownership, petitioners presented their 16 Years Summary Payment Schedule,<sup>23</sup> 9 Y[ea]rs Payment Schedule,<sup>24</sup> and Siblings Contribution 25 Y[ea]rs of Sharing.<sup>25</sup> These show that they shared in the payment of loan amortizations, fire insurance premiums, and real property taxes. It was Oscar who exacted and pooled the contributions and made the payment to the concerned entities and agencies.<sup>26</sup>

In addition, Conrado, Jr. presented his Marriage Contract,<sup>27</sup> his daughter's Certificate of Live Birth,<sup>28</sup> Medicare Form,<sup>29</sup> Voter's Registration,<sup>30</sup> Income Tax Returns,<sup>31</sup> and Statements of Assets, Liabilities, and Net Worth.<sup>32</sup> Meanwhile, Clarita presented her husband's Income Tax Returns,<sup>33</sup> Application with the Business Permit and Licensing Office,<sup>34</sup> Business Tax Returns,<sup>35</sup> Individual Schedules Income Tax Return,<sup>36</sup> Income Statement,<sup>37</sup> and Individual Gross Income Tax Return.<sup>38</sup> In these documents, the address indicated is No. 20, Corregidor Street, Bago Bantay, Quezon City.

### *Version of Respondents*

In contrast with the petitioners' narrative, respondents claimed that the Corregidor Property is owned by Oscar as evidenced by TCT No. RT-125152<sup>39</sup> dated October 8, 1987, and TD Nos. E-090-00396 and D-090-01967.<sup>40</sup>

The Nuñez family used to live at No. 76, Antique Street, Bago Bantay, Quezon City. After Conrado, Sr.'s death, Oscar, as the eldest son, became the head of the family. Around that time, they transferred to the Corregidor Property which was then government-owned and administered by the People's Homesite and Housing Corporation (PHHC), now known as the National Housing Authority (NHA).<sup>41</sup>

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<sup>23</sup> *Id.* at 237.

<sup>24</sup> *Id.* at 238.

<sup>25</sup> *Id.* at 239.

<sup>26</sup> *See id.* at 89-110.

<sup>27</sup> *Id.* at 255.

<sup>28</sup> *Id.* at 256.

<sup>29</sup> *Id.* at 257.

<sup>30</sup> *Id.* at 258.

<sup>31</sup> *Id.* at 259-260.

<sup>32</sup> *Id.* at 261.

<sup>33</sup> *Id.* at 268-271.

<sup>34</sup> *Id.* at 272.

<sup>35</sup> *Id.* at 273, 277-278.

<sup>36</sup> *Id.* at 274-275.

<sup>37</sup> *Id.* at 276.

<sup>38</sup> *Id.* at 279.

<sup>39</sup> *Id.* at 81-84.

<sup>40</sup> *Id.* at 85-87.

<sup>41</sup> *See id.* at 491.

The Corregidor Property was previously awarded to one Jose Jovillo, Jr. However, it became available to new applicants due to his failure to comply with the PHHC's requirements. Being gainfully employed, Oscar applied for the purchase of the property and filed a case for the revocation of the previous award.<sup>42</sup> Pursuant to this, a Compromise Agreement<sup>43</sup> dated November 10, 1975 was executed between Oscar and the NHA. It states in part:

NOW, THEREFORE, for and in consideration of the foregoing premises, and in pursuance of the well-considered suggestion of this Honorable Court, the parties have agreed, as they hereby agree, that:

1. The defendant (now, the NHA) shall declare the award made in favor of Jose Jovillo, Jr., under Resolution (PHHC) No. 749, dated May 19, 1964, cancelled, rescinded and forfeited, and simultaneously award the lot in question to the plaintiff under the usual condition that the award unto the plaintiff shall be subject to the existing rules and regulations of the NHA;

2. The price of the said lot shall be the same as that fixed therefor under Resolution (PHHC) No. 1000 dated February 7, 1969, or [PHP] 30.00 per square meter, to be paid by the awardee, the plaintiff herein, in installment and in like manner as other awardees in the same area are allowed to pay;

3. Notwithstanding the cancellation or rescission of the award in favor of Jose Jovillo, Jr., the award to be made in favor of the plaintiff as mentioned hereinabove shall be subject to whatever rights the said Jose Jovillo, Jr. may have acquired over the said lot under the aforesaid Resolution No. 749 as may be finally judicially determined, and the defendant shall in no case be held liable by the plaintiff or his successors-in-interest for damages should the award made in his favor be nullified or otherwise, declared invalid in any appropriate proceeding that may hereafter be initiated or instituted by the said Jose Jovillo, Jr.;

4. The defendant (NHA), through its Board of Directors, shall enact or adopt the appropriate resolution declaring the award in favor of Jose Jovillo, Jr. cancelled or rescinded by reason of abandonment and failure to comply with the conditions thereof, and simultaneously awarding the lot in question to the plaintiff, within thirty (30) days from receipt of notice of the decision of this Honorable Court based on this compromise agreement; and

5. The plaintiff hereby withdraws and waives all his claims for damages, reimbursement of litigation expenses, attorney's fees and costs heretofore made against the defendant and the latter likewise waives any and all claims that it might have made against the plaintiff in connection with this case.<sup>44</sup>

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<sup>42</sup> See *id.*

<sup>43</sup> RTC records, pp. 143-147.

<sup>44</sup> *Id.* at 145-147.

To prove payment, respondents presented PHHC Passbook No. 15118<sup>45</sup> under the name of Oscar. In addition, they presented the Deed of Sale<sup>46</sup> dated June 14, 1977 between PHHC and Oscar, and a transmittal letter<sup>47</sup> from the NHA in favor of Oscar stating:

This is to certify that on this date 11 November 1977, I have received Transfer Certificate of Title No. 239466 issued by the Register of Deeds of Quezon City... on October 28, 1977 and one (1) copy of the Deed of Sale covering Lot No. 2, Block N.B 5 conveyed to me by the National Housing Authority.<sup>48</sup>

In 1981, a case was filed against Maria, among others, for alleged anomalous titling and awarding of the Corregidor Property. The complaint alleged that Maria was able to obtain a title over a parcel of land due to her connections with some local officials of Quezon City and the NHA.<sup>49</sup> In a Resolution<sup>50</sup> dated December 20, 1989, the Office of the Special Prosecutor dismissed the case for insufficiency of evidence. Pertinently, it discussed:

On the other hand, respondents submitted the following evidence and arguments, to wit:

a) Maria T. Nuñez – she submitted an affidavit stating the lot occupied by her was covered by TCT No. 239466 in the name of her son Oscar T. Nuñez, who gave her special power of attorney to prosecute the squatters; the son, an awardee, purchased it from NHA, after complying with all the requirements in 1976; that her son was then working at ADB, while his wife at the Central Bank; she denied that she was influential in Quezon City since she was only a bindery helper in Quezon City Hall; in support of her claim, she submitted the following proofs:

1. Transfer Certificate of Title No. 239466 in the name of her son; Special Power of Attorney from her son; NHA Clearance dated June 30, 1980 signed by Maj. Gen. Gaudencio V. Tobias, authorizing the demolition team, City Engineer's Office, Quezon City, to dismantle and remove all illegal structures in Lot 2, Block NB-5, situated at No. 20, Corregidor [sic] St., Bago-Bantay, Quezon City. The clearance further stated, that, the area in question was not within the Areas for Priority Development under [Presidential Decree No.] 1893[.]<sup>51</sup> (Emphasis in the original)

To help his siblings, Oscar obtained a loan from Union Bank to fund the construction of a new house on the property. Since respondents' full payment of the Corregidor Property in 1977, the petitioners resided therein rent-free. In

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<sup>45</sup> *Id.* at 148–151.

<sup>46</sup> *Id.* at 152–153.

<sup>47</sup> *Id.* at 154.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 272.

<sup>50</sup> *Id.* at 272–274.

<sup>51</sup> *Id.* at 273.

lieu of rent, Oscar merely requested his siblings to share in the payment of loan amortizations and taxes.<sup>52</sup>

In 2013, respondents decided to sell the Corregidor Property. They offered the same to petitioners as the present occupants thereof. However, in December of the same year, respondents received a letter from Atty. Mark Oliver M. Karaan, on behalf of petitioners, seeking the partition of the Corregidor Property since it was their inheritance from their mother, Maria.<sup>53</sup> Eventually, this was followed by the subject Complaint<sup>54</sup> for Annulment of Title and Other Documents, Reconveyance, Damages and Attorney's Fees with Prayer for a Temporary Restraining Order and Writ of Preliminary Injunction filed by the petitioners against respondents.

### *Unlawful Detainer Case*

It bears noting that respondents, on the other hand, initiated a case for unlawful detainer against the petitioners. This also reached the Court and was docketed as G.R. No. 240652.<sup>55</sup>

In said case, the Court ruled in favor of the petitioners herein. It affirmed the common ruling of the Metropolitan Trial Court (MeTC), the RTC, and the CA that Sps. Oscar and Norma's complaint failed to allege how and when the entry or dispossession was effected. Thus, they failed to satisfy a jurisdictional requirement for unlawful detainer.<sup>56</sup>

This ruling became final on September 4, 2019.<sup>57</sup>

### *Ruling of the Regional Trial Court*

In its Decision<sup>58</sup> dated July 29, 2019, the RTC ruled in favor of the petitioners. The *fallo* thereof reads:

**WHEREFORE**, considering the premises, the instant petition is hereby **GRANTED**.

Accordingly, the Transfer Certificate of Title No. RT-125152 under the name of Oscar Nuñez married to Norma Nuñez issued by the Registry of Deeds Quezon City on October 8, 1987 is hereby declared null and void and therefore be [sic] cancelled. Further, the property as well as the improvement therein located at No. 20 Corregidor Street, Bago Bantay, Quezon City is considered as

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<sup>52</sup> See *rollo*, pp. 492–493.

<sup>53</sup> See *id.* at 493–494.

<sup>54</sup> *Id.* at 55–64.

<sup>55</sup> *Id.* at 474–476.

<sup>56</sup> See *id.* at 475.

<sup>57</sup> See *id.* at 477–480.

<sup>58</sup> *Id.* at 280–286.

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co-owned by the heirs of Maria Nuñez[,] i.e., the plaintiffs as well as the defendants.

Meanwhile, the Register of Deeds is hereby directed to reinstate the title of Maria Nuñez under TCT No. 262412. Likewise, the Quezon City Assessor's Office is also directed to reinstate the Tax Declaration of the said title in the name of Maria Nuñez.

SO ORDERED.<sup>59</sup> (Emphasis in the original)

The RTC gave credence to Maria's title, TCT No. 262412. While it noted that the petitioners were able to present only a photocopy thereof, it found that Oscar's present title, TCT No. RT-125152, was derived from TCT No. 262412. To the RTC, this indication corroborated and strengthened the petitioners' claim that they are co-owners of the Corregidor Property. Moreover, it ruled against Norma's contention that she and Oscar never transferred the property to Maria after it was awarded to them by the NHA because of the existence of a registered title in the name of Maria.<sup>60</sup>

The RTC concluded that the transfer to Oscar was simulated, hence he did not become the owner of the Corregidor Property even after the issuance of a title in his name. Since respondents were not able to establish why Maria's title was cancelled and a new one was issued in favor of Oscar, then there is merit in the petitioners' claim that the transfer was merely for the purpose of securing a loan. Also, the fact that Oscar demanded contributions from the petitioners for the loan amortizations, insurance, and taxes negates the contention that the latter were just renting the property.<sup>61</sup>

Aggrieved, respondents appealed to the CA.<sup>62</sup>

### *Ruling of the Court of Appeals*

In a Decision<sup>63</sup> dated November 25, 2022, the CA reversed the RTC ruling. The *fallo* thereof reads:

**WHEREFORE**, the appeal is **GRANTED**. The assailed *Decision* dated 29 July 2019 of the Regional Trial Court, National Capital Judicial Region, Branch 222, Quezon City in Civil Case No. R-QZN-14-00363-CV cancelling TCT No. RT-125152 (369284) in the name of defendants-appellants Spouses Oscar and Norma Nuñez is **REVERSED** and **SET ASIDE**. The *Complaint* for Annulment of Title and other Documents, Reconveyance, Damages and Attorney's Fees in Civil Case No. R-QZN-14-00363-CV is **DISMISSED**.

SO ORDERED.<sup>64</sup> (Emphasis in the original)

<sup>59</sup> *Id.* at 286.

<sup>60</sup> *See id.* at 283–284.

<sup>61</sup> *See id.* at 284–285.

<sup>62</sup> RTC records, pp. 1379–1380.

<sup>63</sup> *Rollo*, pp. 378–388.

<sup>64</sup> *Id.* at 387.

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The CA held that material contradictions casted doubt on the reliability of the photocopy of Maria's title. The petitioners failed to sufficiently explain the circumstances leading to the loss or destruction of the owner's duplicate original copy of TCT No. 262412. In any case, despite its admission as evidence by the RTC, the CA clarified that admissibility should not be equated with weight of evidence. Therefore, the RTC erred in giving credence to the incomplete single-page photocopy of TCT No. 262412.<sup>65</sup>

Also, the petitioners failed to present any evidence, other than their self-serving claim, that Maria had no intention of divesting herself of ownership over the Corregidor Property. Meanwhile, the respondents were able to substantiate their ownership by presenting the documents from NHA and TCT No. RT-125152. Ultimately, the petitioners failed to overcome the strong presumption of validity in favor of Oscar's title.<sup>66</sup>

The petitioners sought reconsideration,<sup>67</sup> but it was denied by the CA in a Resolution<sup>68</sup> dated April 28, 2023.

Hence, this petition.

#### *Issue*

Did the CA commit a reversible error in discrediting Maria's title?

#### *Our Ruling*

The petition is denied.

Foremost, We emphasize that a petition for review on *certiorari* is a remedy under the law confined to settle questions of law and not questions of facts. However, the Court may take an exception thereto when the findings of the CA are contrary to those of the trial court, as in this case.<sup>69</sup>

After a judicious review of the records, We find that petitioners failed to prove that the Corregidor Property was owned by their mother, Maria. Consequently, there is no basis for their claim that it is co-owned.

In civil cases, the party having the burden of proof must establish his or her case by preponderance of evidence. This is satisfied when the evidence adduced by one side is, as a whole, superior to or has greater weight than that

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<sup>65</sup> See *id.* at 382–385.

<sup>66</sup> See *id.* at 385–387.

<sup>67</sup> See *id.* at 390–405.

<sup>68</sup> *Id.* at 431–433.

<sup>69</sup> See *Viloria v. Heirs of Gaetos*, 903 Phil. 22, 30–32 (2021) [Per J. Hernando, Third Division].

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of the other. Bare allegations, unsubstantiated by evidence, are not equivalent to proof.<sup>70</sup>

In *Spouses Yabut v. Alcantara*,<sup>71</sup> the Court explained the nature of an action for reconveyance:

An action for reconveyance is a legal and equitable remedy that seeks to transfer or reconvey property, wrongfully registered in another person's name, to its rightful owner. To warrant reconveyance of the land, the plaintiff must allege and prove, among others, ownership of the land in dispute and the defendant's erroneous, fraudulent or wrongful registration of the property.<sup>72</sup> The following requisites must concur: (1) the action must be brought in the name of a person claiming ownership or dominical right over the land registered in the name of the defendant; (2) the registration of the land in the name of the defendant was procured through fraud or other illegal means; (3) the property has not yet passed to an innocent purchaser for value; and (4) the action is filed after the certificate of title had already become final and incontrovertible but within four years from the discovery of the fraud, or not later than ten [10] years in the case of an implied trust.<sup>73</sup> (Citations omitted)

Here, the first requisite was complied with since the action for reconveyance was brought in the name of petitioners who are claiming ownership over the Corregidor Property that is currently registered in the name of respondent Oscar. The same holds true for the third requisite as the property has not yet passed to an innocent purchaser for value.

As regards the fourth requisite, the Court has, by way of exception, permitted the filing of an action for reconveyance despite the lapse of more than 10 years from the issuance of the title in cases where the plaintiffs were in actual possession of the disputed land.<sup>74</sup> In this case, Oscar's title was issued in 1987, while the subject complaint was filed only in 2014. However, it is undisputed that the petitioners are in actual possession of the Corregidor Property. Therefore, the action is not barred by prescription.

Despite the foregoing, the action must fail since the petitioners were not able to satisfy the second requisite.

The main evidence submitted by the petitioners to prove Maria's ownership is the photocopy of the first page of TCT No. 262412 under her name.

<sup>70</sup> *Singson v. Spouses Carpio*, G.R. No. 238714, August 30, 2023 [Per C.J. Gesmundo, First Division] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citations omitted)

<sup>71</sup> 806 Phil. 745 (2017) [Per J. Peralta, Special Third Division].

<sup>72</sup> *Id.* at 758, citing *Chu, Jr. v. Caparas*, 709 Phil. 319, 331 (2013) [Per J. Brion, Second Division].

<sup>73</sup> *Id.*, citing *New Regent Sources, Inc. v. Tanjuatco, Jr.*, 603 Phil. 321, 328–329 (2009) [Per J. Quisumbing, Second Division].

<sup>74</sup> See *Spouses Pontigon v. Heirs of Sanchez*, 801 Phil. 1042, 1063 (2016) [Per J. Perez, Third Division].

Under the Rules on Evidence, a duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances, it is unjust or inequitable to admit the duplicate in lieu of the original.<sup>75</sup> Further, when the original document has been lost or destroyed, or cannot be produced in court, the offeror, upon proof of its execution or existence and the cause of its unavailability without bad faith on his or her part, may prove its contents by a copy, or by recital of its contents in some authentic document, or by the testimony of witnesses in the order stated.<sup>76</sup>

In *Lee v. People*,<sup>77</sup> the Court elucidated:

The offeror of secondary evidence is burdened to prove the predicates thereof: (a) the loss or destruction of the original without bad faith on the part of the proponent/offeror which can be shown by circumstantial evidence of routine practices of destruction of documents; (b) the proponent must prove by a fair preponderance of evidence as to raise a reasonable inference of the loss or destruction of the original copy; and (c) it must be shown that a diligent and *bona fide* but unsuccessful search has been made for the document in the proper place or places. It has been held that where the missing document is the foundation of the action, more strictness in proof is required than where the document is only collaterally involved.<sup>78</sup> (Citations omitted)

Here, the respondents have repeatedly questioned the admissibility of the photocopy of the first page of TCT No. 262412. To counter this, Conrado, Jr. explained in his Judicial Affidavit:<sup>79</sup>

Q: I noticed that Transfer Certificate of Title No. 262412 is a photocopy, where is the original of this?

A: I do not have the original copy, sir.

Q: What efforts, if any, did you exert in looking for the original of Transfer Certificate of Title No. 262412?

A: I tried my very best and exerted my best efforts to locate the original of Transfer Certificate of Title No. 262412 in our house but I cannot locate the same. I sent somebody to ask for a certified true copy from the Register of Deeds of Quezon City but was issued a certification to the effect that the original of Transfer Certificate of Title No. 262412 was not among those saved titles during the fire that razed the Quezon City Hall Building on June 11, 1988...<sup>80</sup>

On cross-examination, Conrado, Jr. stated:

<sup>75</sup> RULES OF COURT, Rule 130, sec. 3(c), as amended by A.M. No. 19-08-15-SC, May 1, 2020.

<sup>76</sup> RULES OF COURT, Rule 130, sec. 5, as amended by A.M. No. 19-08-15-SC, May 1, 2020.

<sup>77</sup> 483 Phil. 684 (2004) [Per J. Callejo, Sr., Second Division].

<sup>78</sup> *Id.* at 705.

<sup>79</sup> *Rollo*, pp. 205–212.

<sup>80</sup> *Id.* at 206–207.

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Q: Despite this registration under the name of the spouses you claimed that the real owner of the real property to be Maria Nuñez and not the registered owners and you supported this claim by a one[-]page photocopy of Maria Nuñez supposed title, is this correct?

A: The title of Norma and Oscar Nuñez was derived from the title of my mother, ma'am.

Q: Mr. Witness, my only question is, other than the registered owners you still claimed that it is your mother, Maria Nuñez, who owned the property by presenting a photocopy of her supposed title, is this correct?

A: Yes, ma'am.

Q: When for the first time have you seen this one-page photocopy of the alleged title of Maria Nuñez?

A: First time?

Q: Yes, Mr. Witness.

A: *Ito na pong maghe-hearing na tayo, nahalungkat ko iyon sa papeles ng mother ko, ma'am.*

Q: Now, Mr. Witness, have you or anyone in your family ever saw the original owner's duplicate title of Maria Nuñez?

A: I don't have knowledge about that, ma'am.<sup>81</sup>

....

[Q]: Now, Mr. Witness, with respect to your claim that the real owner of property in 20 Corregidor Street is your mother and to support your claim you presented a one-page photocopy of her supposed title. I asked you previously when was the first time you've seen that photocopy and you said it was only during the filing of the case, correct, Mr. Witness?

A: Yes, ma'am.

Q: And that no one among your family members ever saw the original copy of the owner's duplicate of the title of Maria Nuñez, correct, Mr. Witness?

A: Yes, ma'am.

Q: Do you know more or less when it was awarded to her, Mr. Witness?

A: I don't know, ma'am.<sup>82</sup>

On the other hand, Mary Claire Masangkay, Maria's granddaughter, testified:

Q: How did you know that [Maria] is the owner of the Corregidor Property?

A: As far as I know she owned the property because she used to tell me that she's the one who was pursuing everything, the documentary process to acquire that property. It was her who did the processing and the title of the property was in her possession, ma'am.

<sup>81</sup> TSN, Conrado Nuñez, Jr., September 7, 2017, pp. 21–22.

<sup>82</sup> *Id.* at 28–29.

- Q: So, Madam Witness, your only basis then is because it's your grandmother who pursued all the follow-ups, because of that [sic] follow-ups that she was making you came to believe that she is the owner, is that correct?
- A: Yes, ma'am. And at the time she also mentioned that she also had a title, which I know that she indeed has during that time, ma'am.
- Q: Now, you're telling me that she has the title. What is this title all about? Have you seen the title [sic], original title, that you are talking about?
- A: At that time, I was only about 5 or 7 years so I have not seen that title she was referring to, ma'am.<sup>83</sup>

Additionally, Josefina T. Padilla, Maria's relative and close friend, testified:

- Q: So Madame Witness with respect to the property that is being controverted now which is in 20 Corregidor Street, Bago Bantay, Quezon City and you said you are very much aware of this property?
- A: Yes, ma'am.
- Q: Who owns this property?
- A: I know it [is] *Tiya Maring* because the children are still small, *mga nag-aaral pa po sila eh kaya si Tiya Maring talaga ang may-ari nung... siya and nag-ano niyan, nag-aplay*.
- Q: Do you have any proof that indeed or have you seen any proof, document or any evidence that would show that Maria Nufiez is the owner of this property?
- A: I have not seen any proof but I know in my heart that she is the owner of the property, ma'am.<sup>84</sup>

While the alleged loss of the original of TCT No. 262412 may have been supported by the Certification<sup>85</sup> dated December 6, 2013 from the RD of Quezon City, still, the foregoing testimonies failed to raise any reasonable inference of the loss or destruction of the owner's duplicate original copy of TCT No. 262412. There is also no showing that a diligent and *bona fide* but unsuccessful search has been made for the document in the proper places. Thus, the RTC erred in admitting it as evidence.

Even assuming that admission was proper, We stress that admissibility should not be equated with probative value or weight of evidence. In *Mancol, Jr. v. Development Bank of the Philippines*,<sup>86</sup> the Court explained:

'The admissibility of evidence depends on its relevance and competence, while the weight of evidence pertains to evidence already admitted and its tendency to convince and persuade.' The admissibility of a particular item of evidence has to do with whether it meets various tests by which its reliability is

<sup>83</sup> TSN, Mary Claire Masangkay, August 11, 2015, pp. 5–6.

<sup>84</sup> TSN, Josefina T. Padilla, April 14, 2015, pp. 11–12.

<sup>85</sup> *Rollo*, p. 79.

<sup>86</sup> 821 Phil. 323 (2017) [Per J. Tijam, First Division].

to be determined, so as to be considered with other evidence admitted in the case in arriving at a decision as to the truth. The weight of evidence is not determined mathematically by the numerical superiority of the witnesses testifying to a given fact, but depends upon its practical effect in inducing belief on the part of the judge trying the case. 'Admissibility refers to the question of whether certain pieces of evidence are to be considered at all, while probative value refers to the question of whether the admitted evidence proves an issue.' 'Thus, a particular item of evidence may be admissible, but its evidentiary weight depends on judicial evaluation within the guidelines provided by the rules of evidence.'<sup>87</sup> (Citations omitted)

The petitioners insist that the RTC was correct in ruling in favor of the authenticity and existence of the original copy of TCT No. 262412 because Oscar's title indicates that it was derived therefrom.<sup>88</sup> From this, the RTC concluded that the transfer to Oscar was simulated, and that the sole purpose of such transfer was for the loan application. In addition, the RTC faulted the respondents for not being able to establish why Maria's title was cancelled and a new one was issued in favor of Oscar.

We do not agree.

To stress, the burden of proof was on the petitioners to prove that the Corregidor Property is co-owned, and not on the respondents to prove that they are the owners thereof.

In any event, a scrutiny of the records reveals that the pieces of evidence preponderate in favor of the respondents.

The certificate of title in the name of Oscar serves as evidence of his indefeasible and incontrovertible title to the Corregidor Property. It is conclusive evidence with respect to the ownership of the land described therein.<sup>89</sup>

Too, not only were respondents able to present the original copy of TCT No. RT-125152, they also submitted the following documents to prove how they acquired the Corregidor Property: (1) Compromise Agreement<sup>90</sup> dated November 10, 1975 between Oscar and the NHA; (2) PHHC Passbook No. 15118<sup>91</sup> under the name of Oscar; (3) Deed of Sale<sup>92</sup> dated June 14, 1977 between PHHC and Oscar; (4) transmittal letter<sup>93</sup> from the NHA in favor of Oscar; and (5) NHA Certification<sup>94</sup> dated May 15, 2014 which states:

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<sup>87</sup> *Id.* at 335.

<sup>88</sup> *See rollo*, p. 24.

<sup>89</sup> *See Philippine Bank of Communications v. Register of Deeds for the Province of Benguet*, 872 Phil. 901, 916 (2020) [Per J. Caguioa, First Division].

<sup>90</sup> RTC records, pp. 143–147.

<sup>91</sup> *Id.* at 148–151.

<sup>92</sup> *Id.* at 152–153.

<sup>93</sup> *Id.* at 154.

<sup>94</sup> *Id.* at 480.

This is to certify that according to our records, OSCAR NUÑEZ married to NORMA NUÑEZ is the awardee of Lot 02 Block 5, Psd-04-00898, located at North Bago Bantay Project, Quezon City with an area of 243.50 square meters, more or less.<sup>95</sup>

Contrary to the RTC, what the Court finds to be lacking is the supporting document on how Maria obtained her alleged title over the property in 1979 after the same was awarded to Oscar in 1977. Conrado, Jr. stated in his judicial affidavit:

Q: Do you know how was the legal title transferred by your mother to your brother, Oscar Nuñez?

A: I learned that they signed a document of transfer/deed of sale which was simulated because the transfer of the said property would only be for the purpose of securing a loan to develop it. There was even no payment of any consideration for the transfer.

Q: Do you have a copy of this document of transfer/deed of sale?

A: I have no copy, sir, because the original copy is in the possession of my brother.<sup>96</sup>

Conversely, Norma denied signing any document to transfer the Corregidor Property to Maria:

Q: Now Madame Witness with respect to the title that was presented to you, it was shown that title ending in '52' is set to have preceded from a title allegedly owned by Maria Nuñez. Do you remember of any instance from the time you have the property under your name that you executed any document that could cause such transfer?

A: I am absolutely sure that I have not issued or I have not signed any document or any deed of sale to transfer our ownership to Maria Nuñez. Even Oscar doesn't have, he did not sign any document to that effect, that's why I am very sure that whatever was stated at the xerox copy of title of Maria Nuñez cannot be relied upon because it's only a xerox copy or it's only a photocopy, so how can we be...<sup>97</sup>

The Court holds that petitioners' unsubstantiated and self-serving claims do not hold water against the overwhelming pieces of evidence presented by respondents.

In a last-ditch attempt to salvage their case, the petitioners contend that this Court should reiterate the CA's finding in its Decision<sup>98</sup> in CA-G.R. SP No.

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<sup>95</sup> *Id.*

<sup>96</sup> *Rollo*, p. 208

<sup>97</sup> TSN, Norma D. Nuñez, November 16, 2017, pp. 17-18.

<sup>98</sup> *Rollo*, pp. 456-473. The January 31, 2018 Decision in CA-G.R. SP No. 148484 was penned by Associate Justice Maria Filomena D. Singh (now a Member of this Court) and concurred in by Associate Justices Ramon M. Bato, Jr. and Edwin D. Sorongon of the Eleventh Division, Court of Appeals, Manila.

W

148484 regarding the previous unlawful detainer case between the parties, specifically the following:

To be sure, the best proof of ownership of the land is the TCT. Hence, more than a bare allegation is required to defeat the face value of petitioners' TCT, which enjoys the legal presumption of regularity of issuance. Here, the allegations of respondents are supported by preponderant evidence. If petitioners were the original owners of the subject property, then why does their reconstituted title TCT No. RT-125152 trace back to TCT No. 262412 corresponding to the TCT of Maria Nuñez? This reinforces respondents' claim that the subject property was indeed an inheritance from Maria and that petitioner Oscar and respondents became co-owners of the subject property by operation of law upon Maria's death, being the latter's compulsory heirs.

....

The strongest evidence, however, that leads us to conclude that a co-ownership exists between petitioner Oscar and the respondents is the fact that respondents shared in the payments of the loan amortizations, the house insurance premiums, and real estate taxes. While it is true that the contributions made by respondents were unequal, the reason behind this was sufficiently explained by respondents when they related that Oscar only started collecting their share in 1989 because prior to the transfer of the title in his and Norma's names in 1989, it was their mother Maria who was paying the real estate taxes for the subject property. Notably, it was the act of sharing in these payments which led the RTC to conclude that there exists a co-ownership between petitioner Oscar and respondents over the subject property.

Since petitioner Oscar and the respondents are co-owners of the subject property, petitioners cannot eject respondents therefrom.<sup>99</sup> (Citations omitted)

We emphasize however, that petitioners conveniently omitted in their petition the immediately succeeding caveat from the CA's ruling:

It is, nonetheless, emphasized that any pronouncement made by the lower courts on the issue of ownership of the subject lot is merely provisional in nature. The provisional determination of ownership in this ejectment case cannot be clothed with finality.<sup>100</sup> (Citations omitted)

Indeed, it is well-settled that "the sole issue for resolution in ejectment case[s] relates to the physical or material possession of the property involved, independent of the claim of ownership by any of the parties. Even if the question of ownership is raised in the pleadings, as in the case at bench, the courts may pass upon such issue but only to determine the issue of possession especially if the former is inseparably linked with the latter. In any case, the adjudication of ownership, being merely provisional, does not bar or prejudice an action between the parties involving title to the subject property."<sup>101</sup>

<sup>99</sup> *Id.* at 44-45; see also *id.* at 471-472.

<sup>100</sup> *Id.* at 472.

<sup>101</sup> *Esperal v. Trompeta-Esperal*, 885 Phil. 304, 313 (2020) [Per J. Inting, Second Division]. (Citations omitted)

*W*



We now proceed to the respondents' claim for moral damages, exemplary damages, and attorney's fees.<sup>102</sup>

In *Singson v. Spouses Carpio*,<sup>103</sup> the Court held:

Moral damages are recoverable only if the party from whom it is claimed has acted fraudulently or in bad faith or in wanton disregard of his/her contractual obligations. Bad faith, on the other hand, does not simply connote bad judgment or negligence, but imports a dishonest purpose or some moral obliquity and conscious doing of a wrong, a breach of known duty through some motive or interest or ill will that partakes of the nature of fraud.

....

[T]he award of moral damages must be anchored on a clear showing that mental anguish, besmirched reputation, sleepless nights, wounded feelings, or similar injury was actually experienced[.]<sup>104</sup> (Citations omitted)

Whereas, exemplary damages is allowed only in addition to moral damages such that it cannot be awarded unless the claimant first establishes his or her clear right to moral damages.<sup>105</sup>

Anent the award of attorney's fees, "[t]he general rule is that [it] cannot be recovered as part of damages because of the policy that no premium should be placed on the right to litigate. Being the exception rather than the rule, an award of such fees requires compelling reason before it may be granted. Even when a claimant is compelled to bring his/her cause to court or incur expenses to protect his/her rights, attorney's fees still may not be awarded as part of damages where no sufficient showing of bad faith could be reflected in a party's persistence in a case other than an erroneous conviction of the righteousness of its cause."<sup>106</sup>

We reproduce the pertinent parts of Norma's judicial affidavit:

43.Q: What did you and Oscar feel when this case was filed by the plaintiffs against you?

A: It is a complete let-down that our generosity will be repaid this way. For the last 37 years that my husband and I allowed his siblings to make use of the Bago Bantay property, while me and my children had to reside in the flood-prone area in Pasay City, so that Oscar's siblings can stay in a decent house, the realization is too painful causing us including my children sleepless nights, mental anxiety, besmirched reputation as we are depicted as land-grabber around the community.

<sup>102</sup> See *rollo*, p. 529.

<sup>103</sup> G.R. No. 238714, August 30, 2023 [Per C.J. Gesmundo, First Division].

<sup>104</sup> *Id.* at 18–19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>105</sup> *Lim, Jr. v. Lintag*, 892 Phil. 268, 277 (2020) [Per C.J. Peralta, First Division]. (Citation omitted)

<sup>106</sup> *Singson v. Spouses Carpio*, G.R. No. 238714, August 30, 2023 [Per C.J. Gesmundo, First Division] at 19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citations omitted)

*W*

44.Q: If you are to quantify this heartache, agony, mental anxiety and besmirched reputation that your own family is suffering, how much would that be?

A: [PHP] 500,000.00 for myself and Oscar and for my three children at [PHP] 100,000.00 each, who are unwittingly getting involved.<sup>107</sup>

Meanwhile, on Norma's cross-examination:

Q: You also stated in your judicial affidavit that you are claiming damages for your children?

A: Yes, sir.

Q: But you would confirm Ms. Witness that your children are not parties to this case? Not parties to this case?

A: In a way they are, sir.

Q: But in a way they are?

A: Yes because it is their interest that is at stake.

Q: But you would at least confirm Ms. Witness that the only defendants in this case are you and your husband, is it not?

A: Yes but we are a family, sir.

Q: But your children were never impleaded or made parties in this case, is it not?

A: Yes only the [two] of us, sir.

Q: Now Ms. Witness do you have any sleeping disorder?

A: Yes I have, sir.

Q: So prior to this case, you already have a sleeping disorder?

A: It has been aggravated by this case, sir.

Q: So prior there's already an existing sleeping disorder on your part?

A: Not exactly. It's just but natural for a busy person like me to have some sleeping disorder but with this case, it was aggravated, sir.

Q: But you can still sleep?

A: With the help of some medicines, sir.

Q: Even your husband?

A: My husband is in the United States, sir.

Q: So you do not know if he is suffering from sleepless nights because he is in the United States?

A: Well as he is claiming, he is totally affected by this case, sir.<sup>108</sup>

Then, on re-direct examination:

<sup>107</sup> RTC records, pp. 439-440.

<sup>108</sup> TSN, Norma D. Nuñez, February 24, 2017, pp. 16-18.

*W*

[Q]: Now Madame Witness on cross also, you are claiming in behalf of your children. What is your basis considering that they were not parties to this complaint?

A: *I can say na sabi ko nga, we are a family, ang sakit ng kalingkingan, sakit ng buong katawan. Now my children were also so much affected and the relationship was restrained [sic]. They used to be very happy and now it's restrained [sic] dahil nga sa kaso na ito. Dahil sa kasong ito, nakakalungkot, nalulungkot sila at nasasaktan everytime because I reported to them always lahat ng mga bagay-bagay na nagaganap sa kaso na ito and nasasaktan sila dahil nasasabihan ako na ako ay sinungaling, ako ay greedy. Para sa akin, sila ay nasasaktan dahil iyon naman ay hindi totoo.*

Q: Now with respect to your husband. On cross, you were asked that your husband is residing in United States. How come you are familiar with the suffering that he has suffered because of this case?

A: *Alam na alam ko ang nangyayari sa kanya doon sa Amerika. In this modern time, communication is too easy. We have an access to communication. Halos araw-araw or every week nag-uusap kami via Skype, via Viber, whatever. He was crying out loud to me kung gaano siya nasasaktan dahil sabi nga niya, sila ang kaniyang buhay. Ginawa niya ang lahat para sila ay matulungan and at the end, this is what he gets, ang masaktan pa ng labis.<sup>109</sup>*

The foregoing statements, without more, do not justify the award of the damages prayed for. Even assuming that Norma's predicaments are true, still, she failed to show that the petitioners acted in bad faith, and that their actuations were the proximate cause of her alleged suffering. Moreover, she merely conveyed that her sleepless nights and mental anxiety, among others, were anchored from the stress brought about by the present case. To Our mind, this is not unusual given the apparent strained relations between the parties.

Besides, it is a basic rule in evidence that witnesses can testify only on facts that they know of their own personal knowledge, i.e., those which are derived from their own perception. Personal knowledge is a substantive prerequisite for accepting testimonial evidence that establishes the truth of a disputed fact.<sup>110</sup> In the present case, Norma's narrations with regard to the suffering of Oscar, and her children who were not impleaded, are inadmissible for being hearsay. Hence, for lack of factual and legal bases, the award of moral damages, exemplary damages, and attorney's fees is unwarranted.


**ACCORDINGLY**, the petition is **DENIED**. The Decision dated November 25, 2022 and the Resolution dated April 28, 2023 of the Court of Appeals in CA-G.R. CV No. 115605 are **AFFIRMED**.

<sup>109</sup> *Id.* at 18–20.

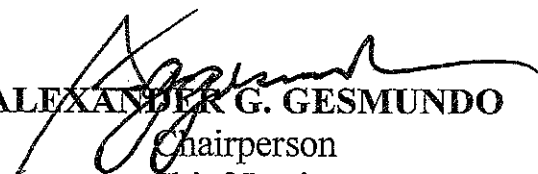
<sup>110</sup> *See Mancof, Jr. v. Development Bank of the Philippines*, 821 Phil. 323, 335–336 (2017) [Per J. Tijam, First Division].

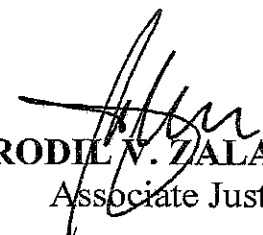
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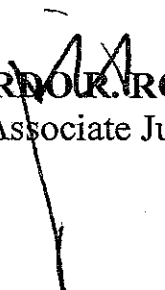
**SO ORDERED.**

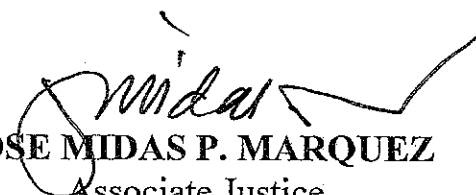
  
**RAMON PAUL L. HERNANDO**  
Associate Justice  
Working Chairperson

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
Chairperson  
Chief Justice

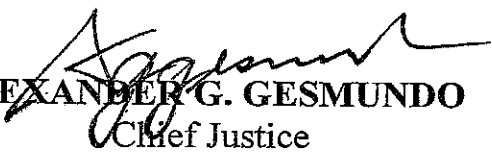
  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, 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

