

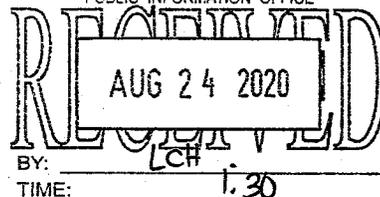


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 29, 2020, which reads as follows:

“G.R. No. 246886 (Tommy H. Valencia v. Heirs of Josefa Sangabol-Pagtalunan, represented by Lolita P. Del Rosario) – The Court:

- (1) **DEFERS ACTION** on the Motion to Withdraw Appearance as Counsel for the Petitioner dated September 12, 2019, filed by the Public Attorney’s Office-Special and Appealed Cases Service (PAO-SACS), stating that despite notices and exerted efforts, petitioner failed to present himself on time to sign the verification of the petition for review on *certiorari*, however, on September 6, 2019, petitioner appeared and insisted on filing the intended petition by himself despite counsel’s advice and explanation that the reglementary period had already expired, hence, the PAO-SACS prays that it be relieved as petitioner’s counsel in this case; and
- (2) **REQUIRE** petitioner to **INFORM** the Court of the name of his new counsel within ten (10) days from notice.

After review of the records, the Court resolves to **DENY** the petition for being filed out of time.

Even if the petition is given due course, the same would be denied for failure to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its July 20, 2018 Decision¹ and April 12, 2019 Resolution² as to warrant the exercise of the Court’s appellate jurisdiction.

Procedural rules are essential in the administration of justice and are not to be belittled or dismissed simply because their non-observance may

¹ *Rollo*, pp. 44-54; penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Danton Q. Bueser and Henri Jean Paul B. Inting (now a Member of this Court), concurring.

² *Id.* at 56-57.

result in prejudice to a party's substantive rights. The Court, however, has relaxed the observance of such rules to advance substantial justice in the following circumstances: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) a lack of any showing that the review sought is merely frivolous and dilatory; and (f) the other party will not be unjustly prejudiced thereby.³

In this case, there appears no compelling reason to relax the application of procedural rules. Based on the records, petitioner sought an extension of thirty (30) days or until June 21, 2019 within which to file the petition. However, it took petitioner more than three (3) months from date of expiration, or on September 25, 2019, to file the instant petition. The reason given by petitioner that he did not receive the letters sent to him by the Public Attorney's Office—Special and Appealed Cases Service directing him to coordinate with them is not sufficient justification for the Court to apply liberal application of the rules in his favor. On the contrary, it shows negligence on the part of petitioner in failing to take initiative and to exert effort to coordinate with his counsel without being directed to.

Further, a Petition for Review under Rule 45 is limited only to questions of law. Factual questions are not the proper subject of an appeal by *certiorari*. This Court will not review facts, as it is not its function to analyze or weigh all over again evidence already considered in the proceedings below.⁴

Perusal of the petition shows that petitioner raises purely questions of fact. Specifically, pivotal issues pertaining to forgery and the due execution and genuineness of the subject deeds which are undoubtedly factual questions that require re-evaluation of the evidence. Such is beyond the Court's jurisdiction under Rule 45. Although the said rule is not absolute, none of the recognized exceptions, which allow the Court to review factual issues, exist in the instant case.

Even assuming *arguendo* that the Court relaxes the procedural rules in petitioner's favor, the petition would still be denied for lack of merit.

It is a well-settled principle that a duly notarized contract enjoys the *prima facie* presumption of authenticity and due execution, as well as the full faith and credence attached to a public instrument. To overturn this legal presumption, evidence must be clear, convincing, and more than merely preponderant to establish that there was forgery that gave rise to a spurious contract.⁵

The deeds that petitioner alleged to have been forgeries were notarized documents whose presumptive genuineness have not been convincingly and conclusively rebutted by contrary evidence. As correctly stressed by the CA,

³ *Dr. Malixi, v. Dr. Baltazar*, 821 Phil. 423, 448 (2017).

⁴ *Gatan v. Vinarao*, 820 Phil. 257, 266 (2017).

⁵ *Id.* at 271.

a notarial document must be sustained in full force and effect so long as he who impugns it does not present strong, complete and conclusive proof of its falsity or nullity on account of some flaw or defect.

As regards the failure of the Register of Deeds to sign the adverse claim on the Certificate of Title, the Court agrees with the CA in ruling that:

x x x. It has been held, however, that the improper annotation of a deed of sale on the certificate of title or the non-annotation of a deed of sale on the said title is immaterial to the validity of the deed sought to be registered, nor does it render such deed legally defective. x x x In this case, **no right of innocent third persons or subsequent transferees of the subject lot is involved. The improper annotation of the deeds of sale, if at all, therefore, does not render the said deeds legally defective.**⁶

With respect to the argument relating to tax declaration and payment, the Court reiterates that tax declarations and receipts are not conclusive evidence of ownership, yet, when coupled with proof of actual possession, they are strong evidence of ownership.⁷

In this case, however, there was no conclusive proof that the Spouses Valencia continued to pay the realty tax covering the portion sold to Josefa Sangabol-Pagtalunan, which portion was already in the latter's actual possession. Thus, this Court agrees with the CA that the Deeds of Sale, and the fact of respondent's actual possession of the subject property are more *prima facie* proof of ownership than a tax declaration or tax payment.

WHEREFORE, the petition is **DENIED**. The Decision dated July 20, 2018 and Resolution dated April 12, 2019 of the Court of Appeals in CA-G.R. CV No. 108233 are **AFFIRMED**.

SO ORDERED."

Very truly yours,

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
8/11/2020

⁶ Rollo, p. 53.

⁷ *Heirs of Spouses De Guzman v. Heirs of Bandong*, 816 Phil. 617, 634 (2017).

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[LRC Case No. 2477]

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