Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

HEIRS OF SERAPIO MABBORANG: LAURIANO MABBORANG, DOMINGO MABBORANG, ENCARNACION MABBORANG, FELIX MABBORANG, FAUSTINA MABBORANG, ELIAS MABBORANG, ALBERTA MABBORANG; HEIRS OF REGINO MABBORANG: JOSE MABBORANG, DIONICIA MABBORANG, SOTERA MABBORANG, MARIANO MABBORANG; HEIRS OF SUSANA MABBORANG: CECILIA UBIÑA-OCAB and CANDIDA U. TAGUIGA; SEGUNDA MABBORANG; HEIRS OF VICTORINO MABBORANG: JUAN MABBORANG, JR., SERVANDO MABBORANG; AND HEIRS OF VICENTE MABBORANG: MARIANO MABBORANG, MARTIN MABBORANG, LUZ MABBORANG-CARILLO,

Petitioners,

- versus -

HERMOGENES MABBORANG and BENJAMIN MABBORANG,

Respondents.

G.R. NO. 182805

Present:

VELASCO, JR., *J., Chairperson,*
BRION,*
PERALTA,
REYES, and
JARDELEZA, *JJ.*

Promulgated:

April 22, 2015

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* Designated Acting Member, in lieu of Associate Justice Martin S. Villarama, Jr., per Raffle dated September 24, 2010.

D E C I S I O N

PERALTA, *J.*:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision[1] and Resolution[2] dated November 12, 2007 and March 18, 2008, respectively, of the Court Appeals (*CA*) in CA-G.R. CV No. 86656 which affirmed the Judgment[3] dated December 14, 2005, of the Regional Trial Court (*RTC*) in Civil Case No. 4051.

The antecedents are as follows:

Sometime in August 1989, respondents Hermogenes Mabborang and Benjamin Mabborang filed an action for Judicial Partition of Realty with Damages before the RTC of Tuguegarao, Cagayan, against petitioners, heirs and children of the late spouses Severino Mabborang and Maria Magabung.[4] Respondents alleged that since they are the surviving heirs of their deceased father, Rufino Mabborang, one (1) of the nine (9) children of said spouses, they are entitled to a share in several parcels of land left behind by the latter, which were already being possessed and cultivated by petitioners. Petitioners, however, countered that Rufino was not among the children of the spouses, who only had eight (8) and not nine (9) children as claimed by respondents. According to petitioners, Rufino was actually a grandson of the spouses, as the son of the spouses' daughter, Sofronia Mabborang. Petitioners further alleged that respondents can no longer claim from the estate of the late spouses for Sofronia had already received her share thereof and, subsequently, sold the same to some of the petitioners and other third parties.[5]

After trial, on August 20, 1991, the RTC dismissed the case finding that since Rufino is not a child of the spouses Severino Mabborang and Maria Magabung, respondents are not entitled to judicial partition because their shares could have been inherited by their father, Rufino or their grandmother, Sofronia, to wit:

> The issues as embodied in [the] pre-trial order is whether Rufino Mabborang is the child of the spouses Severino Mabborang and Maria Magabung and whether the plaintiffs already obtained their shares from the estate of said spouses.

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1 Penned by Associate Justice Martin S. Villarama, Jr. (now Associate Justice of the Supreme Court), with Associate Justices Noel G. Tijam, and Sesinando E. Villon, concurring; *rollo*, pp. 38-50.

2 *Id*. at 51.

3 Penned by Judge Jimmy Henry F. Luczon, Jr.; *id*. at 35-37.

4 *Rollo,* p. 39.

5 *Id*.

> The Court is inclined to believe the version of the defendants that indeed Rufino Mabborang is the son of Sofronia Mabborang by her common-law husband Marciano Escobar and not her brother, neither of the son of [the] spouses Severino Mabborang and Maria Megabong who begot eight (8) children, among them is Sofronia Mabborang. Exhibit "A," the birth certificate cannot be relied upon citing by analogy the case of Macadangdang vs. Court of Appeals, 100 SCRA 73 where it was ruled that "baptismal and marriage certificate prove only the administration of the sacraments to the subjects thereof, not the veracity of the statements made therein with respect to relationship."
>
> The Court takes judicial notice of the belief, superstitious it [may be] of Filipinos that in order to save the child from dying sice [sic] all its brothers and sisters had died as in this case, said child shall be registered as having been begotten by another couple. This happened in the case at bar when Rufino was registered as the son of [the] spouses Severino Mabborang and Maria Megabong, when in truth and in fact the [sic] was the illegitimate son of Sofronia and Marciano, and therefore [grandson] of the former spouses.
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> Considering further the date of birth of Rufino (1931) and the date of birth of Maria Megabong (1880) it is unlikely that she could have given birth to Rufino.
>
> **In fine, Rufino not being a child of the spouses Severino Mabborang and Megabong his children the plaintiffs herein, are not entitled to judicial partition as it is evident that their supposed shares could have been inherited by their father Rufino or [grandmother] Sofronia**.[6]

On May 31, 1996, the CA reversed the RTC's decision insofar as it denied respondents' claim for judicial partition in view of the absence of any kind of documentary or testimonial evidence supporting petitioners' allegations that the estate of the spouses had already been partitioned and that their daughter, Sofronia, had received her share, which she sold to petitioners and third parties. In the words of the appellate court:

> We see no cogent or compelling reason to reverse or disturb the court *a quo*'s finding that Rufino Mabborang was not a son of the deceased spouses Severino Mabborang and Maria [Megabong.] The evidence is preponderant and overwhelming that Rufino was the son of Sofronia Mabborang by her common-law husband, Marciano Escobar.
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> x x x x
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> **Nonetheless, We are constrained to reverse and set aside the decision insofar as it declared that plaintiffs-appellants "are not entitled to judicial partition."**
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> It is undisputed that Severino Mabborang and Maria [Megabong] died in 1938 and 1963, respectively. Upon their death, their property, or their inheritance as defined in Article 776 of the Civil Code, was

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6 *Id*. at 39-40. (Emphasis in the original)

transmitted by operation of law to their surviving children (Articles 774, 777, Civil Code), among them, Sofronia Mabborang who died in 1978 (TSN, August 23, 1999, p. 41). Rufino Mabborang who died in 1962 (TSN, August 23, 1990, pp. 33 and 46), having predeceased Sofronia, his two (2) sons, herein plaintiffs-appellants inherited the share of Sofronia in accordance with Articles 902 and 990 of the Civil Code.

As stated by the Supreme Court in *Diaz vs. Intermediate Appellate Court*, 182 SCRA 427: "Articles 902, 989, and 990 clearly speak of successional rights of illegitimate children, which rights are transmitted to their descendants upon their death. The descendants (of these illegitimate children) who may inherit by virtue of the right of representation may be legitimate or illegitimate. In whatever manner, one should not overlook the fact that the persons to be represented are themselves illegitimate (at pp. 431-432). The determining factor is the legitimacy or illegitimacy of the person to be represented. If the person to be represented is an illegitimate child, then his descendants, whether legitimate or illegitimate, may represent him; however, if the person to be represented is legitimate, his illegitimate descendants cannot represent him because the law provides that only his legitimate descendants may exercise the right of representation by reason of the barrier imposed in Article 992 (Diaz vs. IAC, supra, at page 433).

While it was alleged as a defense that the properties left by the couple Severino and Maria had already been partitioned among the heirs, that each one of them had taken possession of his or her individual share, that Sofronia during her lifetime had sold part of her share, and that whatever remained was sold by plaintiffs-appellants (pars. 8 and 9, Answer), the records show no documentary or testimonial evidence whatsoever presented to support the allegations. We note that plaintiffs' documentary evidence, particularly Exhibits 3, 3-A, 3-B, 3-B-1, 3-B-2, 4, 4-A, 4-A-1, 4-A-2, 4-A-3, 4-A-4, 4-A-5, 4-B, 4-B-1, 5, 5-A, 5-A-1, and 5-E, the sketches allegedly showing the division of the properties of the spouses Severino Mabborang and Maria Megabung among the children, were submitted and offered as part of formal evidence, only on August 27, 1991 after rendition of the decision on August 20, 1991.

Except for the parcel of land designated as cadastral lot No. 397, described in paragraph 3(c) of the complaint, all the parcels of land involved are covered by original certificates of title. The first parcel x x x in the name of Heirs of Severino Mabborang represented by Maria Megabung. The second parcel x x x in the name of Heirs of Severino Mabborang represented by Maria Megabung. x x x The fourth, fifth, and sixth parcels x x x in the name of Maria Megabung (sic). **No deed of partition was presented to show that the subject parcels of land have been partitioned and subdivided. No certificate of title in the names of the heirs was produced to show that the mentioned certificates of title, Exhibits D, E, and G, have been superseded and cancelled. While it is claimed that Sofronia during her lifetime had sold part of her share to some of the defendants-appellees and third persons and that whatever remained was sold by plaintiffs-appellants, no deeds of sale or instruments of conveyance evidencing such alleged sale or conveyances had been presented.**

> **We, therefore, rule that the court a quo erred in dismissing plaintiffs-appellants' complaint. Plaintiffs-appellants are entitled to a partition as heirs of Sofronia Mabborang.**[7]

However, since the records did not contain the necessary details to determine the exact shares of the respondents, such as whether there exists an heir who has died without issue, the appellate court remanded the case to the RTC for purposes of said determination. Thereafter, on June 27, 1996, the aforequoted decision became final and executory.[8]

On January 28, 1998, however, petitioners, through the Public Attorney's Office, submitted a Report and Motion reiterating their position that Sofronia had already disposed of a portion of her share as shown by machine copies of a Deed of Absolute Sale of Portion of Registered Land, dated November 14, 1976, executed by Sofronia in favor of Erlinda Ubina, married to petitioner Mariano Mabborang, and that the rest of her share had passed to respondents, who had already sold the same as shown by machine copies of an Extrajudicial Settlement/Partition with Sale of Portion of Estate, dated August 6, 1984, in favor of petitioner Jose Mabborang, as well as an Extrajudicial Settlement of the Estate of Rufino Mabborang with Adjudication and Sale of Unregistered Land, dated February 12, 1978, in favor of petitioner Jose Mabborang.[9]

Initially, the RTC granted respondents' motions for the subdivision of the six (6) parcels of land and for the marking of the same. However, in its subsequent Orders,[10] the trial court set aside its previous rulings granting the subdivision of the properties, re-opened the pre-trial of the case, and directed petitioners to present the aforestated Deeds of Sale and Extrajudicial Settlement. In view of respondents' contention that the subject documents are spurious, the RTC, in an Order dated August 31, 2001, further directed respondents to have the subject documents examined by an expert in order to determine the authenticity of the thumbprints appearing thereon.[11] Should the thumbprints be found to be genuine, respondents bound themselves to have the case dismissed.[12] Due to respondents' failure to subject the documents to expert examination, the trial court, in an Order dated May 30, 2003, declared that respondents are deemed to have waived the presentation of their evidence to prove that the transfer made by Sofronia were forgeries.[13]

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7 *Id*. at 40-42. (Emphasis in the original)
8 *Id*. at 42.
9 *Id*. at 43.
10 *Id*. at 26-29.
11 *Id*. at 30.
12 *Id*. at 32.
13 *Id*. at 34.

On December 14, 2005, the RTC rendered its Judgment,[14] the pertinent portions of which state:

> The only objective of this Court is to determine the share of plaintiffs-appellants in the estate of the late Severino Mabborang and Maria Magabung, consisting of six (6) parcels of land.
>
> The properties in question are the intestate estate of the late Severino Mabborang and Maria Magabung, who died on April 6, 1938 and March 5, 1963, respectively, and is survived by their eight (8) children, namely: Serapio Mabborang, Victoriano Mabborang, who is already deceased and survived by his children Basilio, Baldomero, Juan and Servando, all surnamed Mabborang, Vicente Mabborang, who is already deceased and is survived by his children Mariano, Martin and Luz Mabborang Carillo, Sofronia Mabborang who is already deceased and survived by his grandchildren, Hermogenes and Benjamin Mabborang, Isabel Mabborang, who is already deceased without having any issue, Susana Mabborang Ubina, Regino Mabborang and Segunda Taquiga.
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> Of the issues children, one (1) died without any issue, namely Isabel Mabborang.
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> Pursuant to Art. 980 of the Civil Code, the children of the deceased shall always inherit in their own right, dividing the inheritance in equal shares.
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> As Isabel Mabborang died without any issue, her share in the estate of Severino Mabborang and Maria Magabung shall accrue to the surviving brothers and sisters (Article 968 of the Civil Code).
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> The estate should then be divided and partitioned into seven (7) shares, one share for each child of the late Severino Mabborang and Maria Magabung, namely Serapio Mabborang, Susana Mabborang Ubina, Regino Mabborang, Segunda Mabborang Taquiga while the share of Victorino Mabborang shall be divided among his heirs Basilio, Baldomero, Juan and Servando, all surnamed Mabborang, the share of Vicente Mabborang shall be divided among his heirs Mariano, Martin both surnamed Mabborang and Luz Mabborang Carillo, and the share of Sofronia Mabborang shall be divided among her heirs Germogenes and Benjamin Mabborang.
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> **WHEREFORE, in the light of the foregoing, the Court hereby adjudges that plaintiffs, as heirs of the late Sofronia Mabborang, are entitled to a share in the estate of the late Severino Mabborang and Maria Magabung, to the extent of 1/7 of the same.**
>
> Further, the Court also adjudges that the six (6) parcels of land forming part of the estate of said spouses, shall be partitioned to seven (7) shares, one share each to the heirs of Serapio Mabborang, Susana Mabborang, Regino Mabborang, and Segunda Taquiga. The share of the heir Victorino Mabborang, shall be divided into 4 parts, with Basilio Mabborang, Baldomero Mabborang, Juan Mabborang and Servando Mabborang entitled to a share. The share of the heir Vicente Mabborang

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14 *Id*. at 35-37.

> shall be entitled into three (3) parts, with Mariano Mabborang, Martin Mabborang and Luz Mabborang Carillo entitled to a share. The share of the heir Sofronia Mabborang shall be divided into two (2) parts, with Hermogenes Mabborang and Benjamin Mabborang entitled to a share.
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> **As to the issue that Sofronia Mabborang disposed of her shares to some of the defendants and third persons during her lifetime, the Court finds no evidence to support such allegation, so the same could not be considered.**[15]

Petitioners filed a Motion for Reconsideration maintaining that since respondents failed to prove that the subject documents were forgeries, the same must be considered valid, and on this score alone, the RTC should have dismissed the case. However, in its Resolution dated February 6, 2006, the trial court held that while respondents were indeed ordered to have the documents examined, and upon their failure are deemed to have waived the presentation of evidence to show that the documents are spurious, petitioners' allegations were never proven in court, the subject documents not having been marked nor presented formally in court, to wit:

> Acting on the Motion for Reconsideration filed by the defendants, the Court finds that the plaintiffs had already presented their evidence before this Court and before the case was appealed to the Court of Appeals.
>
> In the decision of the Court of Appeals, the said Court found that plaintiffs are the children of Regino [sic] Rufino Mabborang who is an illegitimate child of Sofronia Mabborang. Said Court remanded the case back to this Court to determine the share of Sofronia Mabborang.
>
> The defendants claimed that Sofronia Mabborang had already received her share in the estate of her parents Severino Mabborang and Magabung and had disposed of the same.
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> **Going over the records of the case, the Court finds that this allegation of the defendants had never been proven. In fact said alleged transfer made by Sofronia Mabborang was not even marked or presented formally by the defendants. While it maybe so, that the Order dated April 4, 2003 ordered the plaintiffs to examine the documents which are in their possession and which were submitted to the NBI for purposes of evaluation to determine whether the thumbmark appearing in the alleged document are the genuine thumbmark of Sofronia Mabborang and in the Order dated May 30, 2003, the Court declared that the plaintiffs are deemed to have waived the presentation of evidence to prove the transfer made by Sofronia Mabborang were forgeries as previously stated, the existence of the document however, has not been proven by the defendants.**
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> According to American jurisprudence, 'the test for determining which part has the affirmative, and therefore the burden of establishing a case, is found in the result of an inquiry as to which party would be

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15 *Id*. at 35-36. (Emphasis ours)

> successful if no evidence at all were given, the burden being of course on the party would be unsuccessful in that situation. In other words, one alleging a fact which is denied has the burden of establishing it. Unless the party asserting the affirmative of an issue sustains the burden of proving it by the required degree of proof, he must fail.' (29 American Jurisprudence, 2d. 160-163 cited in Francisco's Revised Rules of Court of the Phils. Vol. 7, part 2, 1997 Edition page 6).[16]

On November 12, 2007, the CA affirmed the lower court's findings in the following manner:

> However, insofar as the issue of a subsisting co-ownership over the subject properties among the heirs of Severino Mabborang and Maria Magabung, the same was categorically resolved by this Court in its Decision dated May 31, 1996 finding that Sofronia Mabborang had not yet received her share and neither had she sold it during her lifetime. **No deeds of sale or instruments of the alleged conveyances were presented in evidence.** Upon remand to the trial court for further proceedings, appellant reiterated their position that Sofronia Mabborang had already been given her share in the estate of Severino Mabborang and Maria Magabung and that she already sold it to various parties. The trial court nevertheless ruled, for the second time, on the basis of the entire records, that appellants failed to substantiate their allegations. In denying appellants' motion for reconsideration, **the trial court stressed that even if the purported documents of transfer or sale bearing the thumbmarks of Sofronia Mabborang were supposedly received by appellees for the purpose of having them examined by the NBI documents examiners for their authenticity, the existence of said documents, which were not even marked during the initial presentation of evidence by the parties, have not been proven by the appellants.**
>
> The rule is that a document, or any article for that matter, is not evidence when it is simply marked for identification; it must be formally offered and the opposing counsel given an opportunity to object to it or cross-examine the witness called upon to prove or identify it. **The alleged documents of sale or transfer (Exhibits "3" and "5") have not been identified by any witness nor its existence duly proved, the original of which was not even presented as only photocopies were attached to the "Report and Motion" submitted by the Public Attorney's Office. The subsequent delivery of the copies to the appellees for the intended examination by the NBI experts is not equivalent to formal offer.** Much less, have the appellees admitted the due execution and authenticity of the said documents, which as manifested in the Public Attorney's Office report to the court, were being questioned by appellees as "spurious."
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> **On the other hand, the formal offer of documentary evidence of appellants appearing in pages 86 to 93 of the original records actually makes reference not to any deed of sale or extrajudicial settlement with sale but to "Diagrams showing the divisions of properties of spouses Severino Mabborang and Maria Magabung**

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16 *Id*. at 46. (Emphasis ours)

> **among and between their children including their child Sofronia who is the mother of Rufino Mabborang" and which are the only evidence marked and offered for the purpose of proving that "Sofronia sold all her portions in the property to various persons."** Significantly, the CA Decision dated May 31, 1996 has already noted the absence of documentary or testimonial evidence to support the allegation of appellants that Sofronia was already given her share which she had disposed of. It also noted that Exhibits "3" to "5-E" being mentioned by appellants allegedly showing the division of the properties of the spouses Severino Mabborang and Maria Magabung among the children were "submitted and offered as the formal offer of evidence, only on August 27, 1991 after rendition of the decision on August 20, 1991.
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> **At any rate, records clearly bear out that the documents of sale or transfer allegedly thumbmarked by Sofronia were never identified, marked as exhibits or formally offered by the appellants during the proceedings before the trial court.** It was held that during the trial on the merits, evidence must formally be offered by the parties, otherwise the trial court will not consider it. Any evidence a party desires to submit for the consideration of the court must formally be offered by him. Evidence not formally offered cannot be taken into consideration in disposing of the issues of the case.[17]

Upon further denial of their Motion for Reconsideration in a Resolution[18] dated March 18, 2008, petitioners filed the present petition invoking the following arguments:

> I.
> THE COURT OF APPEALS DECIDED THE MATTER NOT IN ACCORDANCE WITH LAW FOR THE REASON THAT SAID COURT HAS AFFIRMED THE DECISION OF THE REGIONAL TRIAL COURT SUBMITTING THE CASE FOR DECISION DESPITE THE FACT THAT IT WAS ONLY THE PLAINTIFFS WHO WERE DEEMED TO HAVE WAIVED THEIR PRESENTATION OF EVIDENCE.
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> II.
> THE COURT OF APPEALS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS BY AFFIRMING THE JUDGMENT OF THE LOWER COURT WHICH MERELY DETERMINED THE PROPORTIONAL SHARE OF THE PARTIES IN THE ESTATE WHEN THE ORIGINAL ACTION AND THE REASON FOR THE REMAND OF THE CASE WAS FOR THE PARTITION OF THE ESTATE AMONG THE HEIRS, SAID ACTION CALLS FOR AN EXERCISE OF THE POWER OF SUPERVISION BY THIS HONORABLE SUPREME COURT.[19]

Petitioners reiterate their contention that the failure of respondents to prove that the documents presented by the Public Attorney's Office, in its Report and Motion, are forgeries means that the same are genuine, and is

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17 *Id*. at 48-49. (Emphasis ours)
18 *Id*. at 51.
19 *Id.* at 16-17.

tantamount to an acceptance by respondents of the due execution thereof. Consequently, the trial court should have dismissed the case. Moreover, according to petitioners, they have, from the very beginning, already alleged that Sofronia Mabborang had been properly given her share in the estate of the spouses Severino Mabborang and Maria Megabung and have subsequently disposed of the same during her lifetime. Since respondents were deemed to have waived their presentation of evidence, petitioners should have been ordered to present theirs.

Petitioners' arguments are misplaced.

Section 34, Rule 132 of the Rules of Court provides that "the court shall consider no evidence which has not been formally offered." This is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. Also, it allows opposing parties to examine the evidence and object to its admissibility. A formal offer is necessary because judges are mandated to rest their findings of facts and judgment strictly and only upon the evidence offered by the parties at trial. Consequently, review by the appellate court is facilitated for it will not be required to review documents not previously scrutinized by the trial court.[20] Hence, strict adherence to this basic procedural rule is required, lest evidence cannot be assigned any evidentiary weight or value:

> **Thus, the trial court is bound to consider only the testimonial evidence presented and exclude the documents not offered. Documents which may have been identified and marked as exhibits during pre-trial or trial but which were not formally offered in evidence cannot in any manner be treated as evidence. Neither can such unrecognized proof be assigned any evidentiary weight and value.** It must be stressed that there is a significant distinction between identification of documentary evidence and its formal offer. The former is done in the course of the pre-trial, and trial is accompanied by the marking of the evidence as an exhibit; while the latter is done only when the party rests its case. The mere fact that a particular document is identified and marked as an exhibit does not mean that it has already been offered as part of the evidence. **It must be emphasized that any evidence which a party desires to submit for the consideration of the court must formally be offered by the party; otherwise, it is excluded and rejected.**[21]

In certain instances, however, this Court has relaxed the procedural rule and allowed the trial court to consider evidence not formally offered on the condition that the following requisites are present: (1) the evidence must

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[20] *Heirs of Pasag, et. al. v. Spouses Lorenzo, et. al.,* 550 Phil. 571, 579 (2007), citing *Parel v. Prudencio,* 521 Phil. 533, 545 (2006); *Katigbak v. Sandiganbayan,* 453 Phil. 515, 542 (2003); *Ong v. Court of Appeals,* 361 Phil. 338, 350 (1999); *People of the Philippines v. Alicante,* 388 Phil. 233, 260 (200).

[21] *Id*. at 581-582. (Emphasis ours)

have been duly identified by testimony duly recorded; and (2) the same must have been incorporated in the records of the case.[22]

None of the conditions are present in this case.

As noted by the courts, the records of the case show no documentary or testimonial evidence whatsoever to support petitioners' allegations. While petitioners persistently claimed that Sofronia had already received her share in the subject properties and subsequently disposed of the same during her lifetime, they never presented any evidence during the proceedings before the RTC and even during the appeal before the CA to substantiate the same. As aptly observed by the CA, there was no deed of partition presented showing that the subject parcels of land have been partitioned and divided, deed of sale or instrument of conveyance evidencing any transfer of Sofronia's share, nor certificate of title indicating that the titles to the properties have been superseded and cancelled. On this basis, the appellate court justifiably ruled that respondents are entitled to their share in the subject properties in the absence of proof that Sofronia had indeed received and disposed of her share therein.

It bears stressing that only after almost two (2) years from the finality of the CA's decision and on remand to the RTC for the determination of respondents' specific share was it mentioned that there exists documents which may substantiate petitioners' allegations. Specifically, the Public Attorney's Office manifested that Deeds of Sale and Extrajudicial Settlements were executed in the past transferring Sofronia's share to various persons. Yet, as the trial court ruled, even if the purported documents of transfer or sale were supposedly received by respondents to have their authenticity examined, petitioners were not able to prove the existence of the same, which were not even marked during the initial presentation of evidence by the parties. Neither were they identified by any witness. In fact, the original of said documents were not even presented as mere photocopies were attached to the Report and Motion submitted by the Public Attorney's Office.

Indeed, procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are enjoined to abide strictly by the rules. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice. Unless substantial justice dictates that procedural rules be relaxed to

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[22] *Heirs of Romana Saves, et. al. v. Heirs of Escolastico Saves*, 646 Phil. 536, 544 (2010), citing *People v. Napat-a*, 258-A Phil. 994, 998 (1989), citing *People v. Mate*, 15 191 Phil. 72 (1981); *Mato Vda. de Oñate v. Court of Appeals*, 320 Phil. 344, 350 (1995).

arrive at a just disposition of a case, there shall be no liberality in the interpretation and application of the rules.[23]

Here, not only did petitioners fail to formally offer the subject documents in evidence during the trial on the merits, they also failed to provide any explanation as to the reason behind such failure. While rules of procedure may be relaxed in the interest of justice and fair play, this Court shall refrain from doing so if there is not even the slightest effort to provide the courts with a reason to justify the non-observance of the same.

Besides, the records of the case do not show any indication that petitioners were denied their right to present evidence. They had every opportunity to submit the necessary documentary evidence in order to substantiate their claims, and when they did, the same were not even originals thereof. In fact, as can be gleaned from the records, it took them nearly a decade from the filing of the action in August 1989 to even make an attempt at presenting the subject documents to the courts which they did only on January 28, 1998, at such time when not only the trial on the merits had concluded, but also when the May 31, 1996 judgment of the appellate court had already become final and executory. This undue delay in the presentation of the subject documents casts doubt as to the authenticity and reliability of the same. If the documents evidencing the alleged partition and sale of the properties really existed, no impediment could have prevented its offer as evidence.

We, therefore, find no error in the refusal by the courts below to give any probative value to the subject documents. To reiterate, petitioners presented the same only after the decision of the appellate court became final and executory, without any explanation. In fact, as observed by the CA, the formal offer of documentary evidence made by petitioners makes reference not to any deed of sale or extrajudicial partition with sale but to "diagrams showing the divisions of properties of the spouses Severino Mabborang and Maria Magabung among and between their children, including their child Sofronia who is the mother of Rufino Mabborang," which are the only evidence marked and offered for the purpose of proving that "Sofronia sold all her portions in the property to various persons." For reasons of their own, petitioners did not formally offer in evidence the subject documents before the trial court as required by the Rules of Court. To admit these documents now deprives respondents of the opportunity to examine and controvert the same, which runs contrary to the fundamental principles of due process.

WHEREFORE, premises considered, the instant petition is **DENIED.** The Decision and Resolution, dated November 12, 2007 and

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[23] *Bergonia v. Court of Appeals*, G.R. No. 189151, January 25, 2012, 664 SCRA 322, 331.

March 18, 2008, respectively, of the Court Appeals in CA-G.R. CV No. 86656, which affirmed the Judgment dated December 14, 2005, of the Regional Trial Court in Civil Case No. 4051, are **AFFIRMED**.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

BIENVENIDO L. REYES
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

ATTESTATION

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.

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

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.

MARIA LOURDES P. A. SERENO
Chief Justice