



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**FIRST DIVISION**

**REPUBLIC OF THE PHILIPPINES,**  
 represented by the **DEPARTMENT**  
**OF PUBLIC WORKS AND**  
**HIGHWAYS,**

**G.R. No. 203948**

Petitioner,

Present:

- versus -

PERALTA, C.J., Chairperson,  
 CAGUIOA,  
 J. REYES, JR.,  
 LAZARO-JAVIER, and  
 LOPEZ, JJ.

**LEONOR A. MACABAGDAL,**  
 represented by **EULOGIA**  
**MACABAGDAL-PASCUAL,**  
 Respondent.

Promulgated:

**JAN 22 2020**

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**DECISION**

**CAGUIOA, J.:**

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) under Rule 45 of the Rules of Court filed by petitioner Republic of the Philippines (petitioner Republic), represented by the Department of Public Works and Highways (DPWH), through the Office of the Solicitor General (OSG), against respondent Leonor A. Macabagdal (respondent Leonor), as represented by Eulogia Macabagdal-Pascual, assailing the Decision<sup>2</sup> dated May 30, 2012 (assailed Decision) and Resolution<sup>3</sup> dated September 28, 2012 (assailed Resolution) rendered by the Court of Appeals (CA) in CA-G.R. SP No. 120151.

<sup>1</sup> *Rollo*, pp. 18-47.

<sup>2</sup> *Id.* at 49-59. Penned by Associate Justice Hakim S. Abdulwahid, with Associate Justices Franchito N. Diamante and Leoncia Real-Dimagiba, concurring.

<sup>3</sup> *Id.* at 61-62.

### The Essential Facts and Antecedent Proceedings

As culled from the recital of facts in the assailed Decision, the essential facts and antecedent proceedings are as follows:

x x x [Petitioner Republic, represented by the DPWH,] filed a *Complaint*<sup>4</sup> dated January 23, 2008, seeking to expropriate a parcel of land located in Barangay Ugong, Valenzuela City [(subject property)]. The expropriation was necessary for the implementation of the C-5 Northern Link Road Project. The title and registered owner of the subject property, however, were not properly identified, although diligent efforts to search the owner were exerted. The [C]omplaint initially impleaded an unidentified owner named in the title as “John Doe YY.” [The Complaint was filed before the Regional Trial Court of Valenzuela City, Branch 172 (RTC) and was docketed as Civil Case No. 55-V-08.]

After the trial court directed that the [C]omplaint be published in a newspaper of general circulation, petitioner [Republic] filed a *Motion*<sup>5</sup> for issuance of a writ of possession. The trial court issued [an] *Order*,<sup>6</sup> granting the motion, but holding in abeyance the implementation of the writ until petitioner [Republic] would be able to deposit with the trial court a check representing the 100% zonal value of the property. Upon compliance therewith, the RTC, per *Order* dated March 10, 2009, issued a corresponding writ of possession.

Meanwhile, on October 13, 2008, a certain Atty. Conrado E. Panlaque appeared before the RTC, praying that one Elena A. Macabagdal (Elena, for brevity) be substituted as party defendant, alleging that she is the real party in interest, being the registered owner of the subject property. Counsel also submitted a copy of a land title [Transfer Certificate of Title (TCT) No. T-125922], registered in Elena’s name.

Petitioner [Republic] then filed a *Motion* to set the case for hearing to enable Elena to substantiate her claim. But on the day of the supposed hearing, neither Elena nor her counsel appeared. Instead, on February 3, 2010, Atty. Ricardo C. Pilares, Jr. [(Atty. Pilares)] filed an *Omnibus Motion for Substitution of Party, Admission of Answer and Hearing*,<sup>7</sup> averring that Elena already died on May 14, 1997 as shown in her death certificate.<sup>8</sup> He also prayed that the sole heir, one Leonor A. Macabagdal ([respondent] Leonor, for brevity), represented by Eulogia Macabagdal-Pascual by virtue of a *Special Power of Attorney*,<sup>9</sup> be substituted in Elena’s place. [In the said Omnibus Motion, respondent Leonor informed the RTC that she is the sole heir of her sister Elena as the latter died single intestate without a husband and children.]

On April 16, 2010, Atty. Pilares presented as witnesses Eulogia Macabagdal-Pascual and one Nenita Pascual Ramota, and marked in evidence a copy of a *Deed of Extrajudicial Settlement*<sup>10</sup> and other pertinent

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<sup>4</sup> Id. at 77-83.  
<sup>5</sup> Id. at 96-103.  
<sup>6</sup> Id. at 107-110.  
<sup>7</sup> Id. at 135-138-A.  
<sup>8</sup> Id. at 139.  
<sup>9</sup> Id. at 142.  
<sup>10</sup> Id. at 140-141.



documents, as Exhibit "1" to "Exhibit "13-A," respectively, in support of [respondent] Leonor's claim as the registered owner of the subject property and proof of her ownership. After the completion of the testimonies of both witnesses, Atty. Hermenegildo Dumlao II, counsel for petitioner [Republic], orally manifested that [petitioner Republic's] position with regard to the motion for substitution of party defendant will depend on the certification that will be issued by Project [D]irector Patrick B. Gatan.

In a *Manifestation*<sup>11</sup> dated April 26, 2010, petitioner [Republic] informed the RTC that the property subject of expropriation is the same as that described in the technical description of TCT No. T-125922, registered in the name of Elena.

In its *Order*<sup>12</sup> dated July 9, 201[0], the RTC, finding that Elena A. Macabagdal really owned the property, named her as party defendant. Due to her death, however, the RTC ordered her to be substituted by [respondent] Leonor, being her sole heir. The dispositive portion of the *Order* dated July 9[,] 2010 reads, (*sic*) as follows:

WHEREFORE, defendant John Doe "YY" is substituted by Elena A. Macabagdal as party defendant in this case. Due to the death of defendant Elena A. Macabagdal on May 14, 1997, she is now substituted by her sole heir, Leonor A. Macabagdal, represented by Eulogia Macabagdal-Pascual as party defendant.

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SO ORDERED.

On August 25, 2010, petitioner [Republic] filed a *Motion for Partial Reconsideration*,<sup>13</sup> arguing that the substitution of [respondent] Leonor was improper as the extrajudicial deed of partition, the evidence for allowing her to be substituted as the sole heir, was neither registered in the Register of Deeds of Valenzuela City nor published in a newspaper of general circulation pursuant to Sec. 1, Rule 74 of the Rules of Court. However, the RTC, in its *Order*<sup>14</sup> dated March 16, 2011, denied the motion ratiocinating, as follows:

Section 1, Rule 74 of the Rules of Court is not one of the requirements set forth in substitution of party mentioned in Section 16, Rule 3 of the Rules of Court. It is clearly stated in the Death Certificate of Elena A. Macabagdal that she was single at the time of her death on May 14, 1997 and she did not execute a will and testament during her lifetime. Therefore, in applying Section 16, Rule 3 of the Rules of Court, her only heir is the surviving sister, Leonor A. Macabagdal, represented by Eulogia Macabagdal-Pascual. Besides, Transfer Certificate of Title No. [T-125922] is admittedly registered exclusively in the name of Elena A. Macabagdal.

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<sup>11</sup> Id. at 157-160.

<sup>12</sup> Id. at 161-163. Penned by Judge Nancy Rivas-Palmones.

<sup>13</sup> Id. at 164-168.

<sup>14</sup> Id. at 169-170.

Aggrieved, petitioner [Republic] filed [a] petition for certiorari [under Rule 65 of the Rules of Court before the CA (Rule 65 Petition),<sup>15</sup>] raising the sole issue:

**WHETHER OR NOT RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ALLOWING RESPONDENT LEONOR A. MACABAGDAL TO SUBSTITUTE ELENA A. MACABAGDAL DESPITE THE FORMER'S FAILURE TO PROVE THAT SHE HAS A LAWFUL RIGHT OVER THE PROPERTY SUBJECT OF THE EXPROPRIATION CASE.**

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Petitioner [Republic] contends that the RTC gravely abused its discretion in allowing the substitution of [respondent Leonor] since the only evidence submitted to prove that she is the sole heir is the extrajudicial deed of settlement. Petitioner [Republic] maintains that the substitution is erroneous as the said deed is unregistered with the Register of Deeds and unpublished in a newspaper of general circulation. Hence, the deed does not bind petitioner [Republic], and [respondent Leonor] may not rightfully claim payment for the expropriation of the property.

On the other hand, [respondent Leonor] argues that [the RTC] did not abuse its discretion, maintaining that the substitution is proper. [Respondent Leonor] insists there are sufficient pertinent documents and papers to support her claim and that petitioner [Republic] acquiesced in to her (*sic*) as the real party-in-interest when it actively participated in the determination of her personality as the sole heir. Thus, petitioner [Republic] is precluded from questioning her as an heir to Elena Macabagdal.

Petitioner [Republic] counters by stating that what has been admitted is only the fact that the property subject of expropriation is the same registered under TCT No. T-125922.<sup>16</sup>

### **The Ruling of the CA**

In the assailed Decision, the CA denied the Rule 65 Petition for lack of merit.

The dispositive portion of the assailed Decision reads:

**WHEREFORE**, the instant petition is **DENIED**. The assailed *Orders* dated July 9, 2010 and March 16, 2011 are **AFFIRMED**.

**SO ORDERED.**<sup>17</sup>

In the assailed Decision, the CA “found no abuse of discretion, so patent and so gross, committed by the RTC in allowing the substitution of the deceased Elena A. Macabagdal with her sole heir Leonor Macabagdal.”<sup>18</sup>

<sup>15</sup> Id. at 171-193.

<sup>16</sup> Id. at 50-53; citations supplied, emphasis and italics in the original.

<sup>17</sup> Id. at 58.

<sup>18</sup> Id. at 54.

In upholding the RTC's ruling allowing respondent Leonor to substitute Elena in the expropriation case, the CA explained that petitioner Republic had already admitted that the subject property is registered in the name of Elena and that the latter is the proper party defendant. Hence, "[n]o other party or third person may therefore substitute her other than her legal representative, or an administrator or executor, as the case may be. The death certificate [of Elena] shows that Elena was single at the time of her death, and her only remaining heir is [respondent] Leonor."<sup>19</sup>

Further, the CA belied petitioner Republic's assertion that the evidence on record, *i.e.*, the Deed of Extrajudicial Settlement, was insufficient in establishing the sole heirship of respondent Leonor due to the said document's non-registration and non-publication. As factually found by the CA, "[c]ontrary to what petitioner [Republic] asserts, the deed of extrajudicial settlement and the notice thereof, were in fact published."<sup>20</sup>

The CA likewise explained that even if the Deed of Extrajudicial Settlement was indeed unregistered and unpublished, "the immediate effect x x x is that the instrument will not bind the heirs, creditors or other persons who have no notice thereof as to the settlement or partition of the estate stated in a deed. Consequently, said heirs or creditors can still dispute the partition or interpose their claims beyond the two-year period and even after the properties are already distributed among the heirs."<sup>21</sup>

The CA added that "[t]here is no mention, however, that the instrument cannot be used to prove that one is an heir, save in case of fraud. Petitioner [Republic], therefore, has no basis to question [respondent] Leonor's right as an heir by simply claiming that the instrument is not binding. The non-publication or non-registration [cannot] be used to defeat [respondent] Leonor's right as an heir, specifically, her right to substitute the deceased as in this case."<sup>22</sup>

Petitioner Republic filed a Motion for Reconsideration<sup>23</sup> dated June 21, 2012, which was denied by the CA in the assailed Resolution.

Hence, the instant Petition before the Court.

Reiterating the points she made in previous submission, respondent Leonor filed her Comment on the Petition<sup>24</sup> dated April 14, 2012. Petitioner Republic filed its Reply (Re: Comment on the Petition dated 14 April 2012)<sup>25</sup> dated November 19, 2013, restating its position that the substitution of respondent Leonor was invalid because "the only evidence relied upon in

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<sup>19</sup> Id. at 55.

<sup>20</sup> Id. at 55-56.

<sup>21</sup> Id. at 56-57.

<sup>22</sup> Id. at 57.

<sup>23</sup> Id. at 63-71.

<sup>24</sup> Id. at 284-301.

<sup>25</sup> Id. at 319-325.



confirming [respondent Leonor's] sole heirship is a *Deed of Extrajudicial Settlement of Estates of the late Lapaz A. [Macabagdal] and Elena A. Macabagdal dated 21 July 2008* – which ignores Section 1, Rule 74 of the Rules of Court[.]”<sup>26</sup>

### Issues

Stripped to its core, the essential issue for the Court's disposition is whether the CA erred in finding that the RTC did not commit grave abuse of discretion in allowing respondent Leonor's substitution as party defendant in the expropriation case.

### The Court's Ruling

The instant Petition is *unmeritorious*.

In maintaining that the RTC committed grave abuse of discretion in allowing respondent Leonor to substitute Elena in the expropriation case, petitioner Republic argues that the RTC misappreciated the evidence on record, considering that “the only evidence of [respondent Leonor] in proving that she is the sole heir of Elena Macabagdal (registered owner of the property) is a *Deed of Extrajudicial Settlement of Estates of the Late Lapaz A. Macabagdal and Elena A. Macabagdal dated July 21, 2008*, which is indubitably unregistered with the Register of Deeds.”<sup>27</sup> Simply stated, the instant Petition concerns itself with the sufficiency of evidence presented by respondent Leonor in establishing that she is the surviving sister and sole heir of the registered owner of the subject property, Elena.

Contrary to petitioner Republic's assertion that the instant Petition concerns “pure questions of law,”<sup>28</sup> it is abundantly clear from the instant Petition that petitioner Republic raises a purely factual issue.

A question of fact exists when the doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence considering mainly the credibility of the witnesses, the existence and relevancy of specific surrounding circumstances as well as their relation to each other and to the whole, and the probability of the situation.<sup>29</sup>

Considering that petitioner Republic invites the Court to recalibrate the RTC and CA's assessment of the evidence on record as regards respondent Leonor's standing as an heir of Elena, the issue presented before the Court is a question of fact that is not cognizable by the Court.

<sup>26</sup> Id. at 320; italics in the original.

<sup>27</sup> Id. at 38; emphasis omitted, italics in the original.

<sup>28</sup> Id. at 21; emphasis omitted.

<sup>29</sup> *Caiña v. People*, 288 Phil. 177, 182-183 (1992).

A *catena* of cases has consistently held that questions of fact cannot be raised in an appeal *via certiorari* before the Court and are not proper for its consideration.<sup>30</sup> The Court is not a trier of facts. It is not the Court's function to examine and weigh all over again the evidence presented in the proceedings below.<sup>31</sup>

In any case, after a careful study of the records of the instant case, the Court finds no cogent reason to reverse the CA's holding that the RTC did not commit grave abuse of discretion in allowing respondent Leonor to substitute Elena as the party defendant in the expropriation case.

First and foremost, the Court does not find merit in petitioner Republic's assertion that the only evidence of respondent Leonor in proving that she is the sole heir of Elena is the Deed of Extrajudicial Settlement.

As noted by both the CA and RTC, respondent Leonor was able to present two witnesses, *i.e.*, Eulogia Macabagdal-Pascual and Nenita Pascual Ramota, as well as other pertinent pieces of documentary evidence (which includes the Death Certificate of Elena) establishing respondent Leonor's identity and interest over the subject property.<sup>32</sup>

In fact, very telling is the fact that after the completion of the testimonies of the aforementioned witnesses, Atty. Hermenegildo Dumlao II, the counsel for petitioner Republic, orally manifested in open court that petitioner Republic's position as regards respondent Leonor's motion for substitution depended solely on the certification issued by DPWH's Project Director, Patrick B. Gatan, with respect to whether the subject property refers to the one covered by TCT No. T-125922 registered in the name of Elena.<sup>33</sup> Hence, this reveals that petitioner Republic had no issue as regards respondent Leonor's status as the heir of Elena. Petitioner Republic had an issue only with respect to the identity of the land registered under the name of Elena.

Eventually, as expressed in its Manifestation dated April 26, 2010, petitioner Republic confirmed that the subject property is indeed the same one covered by TCT No. T-125922, thus satisfying petitioner Republic's reservation as regards respondent Leonor's motion for substitution. In the said Manifestation, while petitioner Republic raised some issues concerning the aforementioned TCT, the status of respondent Leonor as the sole surviving sister of Elena and the propriety of respondent Leonor's substitution were never questioned.

Moreover, even assuming *arguendo* that the unregistered Deed of Extrajudicial Settlement was the only piece of evidence provided by

<sup>30</sup> *Bautista v. Puyat Vinyl Products, Inc.*, 416 Phil. 305, 309 (2001), citing *Hi-Precision Steel Center, Inc. v. Lim Kim Steel Builders, Inc.*, 298-A Phil. 361, 372 (1993) and *Navarro v. Commission on Elections*, 298-A Phil. 588, 593 (1993).

<sup>31</sup> *Republic of the Phils. v. Sandiganbayan*, 426 Phil. 104, 110 (2002); citation omitted.

<sup>32</sup> *Rollo*, p. 51.

<sup>33</sup> *Id.* at 162.

respondent Leonor to establish her interest over the subject property, the fact that the said Deed of Extrajudicial Settlement was not registered before the Register of Deeds does not strip away the document's evidentiary value with respect to respondent Leonor's status and interest over the subject property.

It must be stressed that the RTC appreciated the Deed of Extrajudicial Settlement in relation to respondent Leonor's claim that she is the only surviving sister of Elena and that the latter had no other heirs, thus giving respondent Leonor sufficient standing to be a party defendant in the expropriation case. The RTC did not hold whatsoever that the subject property was indeed adjudicated solely to respondent Leonor by virtue of the Deed of Extrajudicial Settlement.

While petitioner Republic is correct insofar as saying that under Section 1, Rule 74 of the Rules of Court an unregistered affidavit of self-adjudication or extrajudicial settlement does not bind third persons with respect to the adjudication of property, the CA is also correct in its holding that there is no provision in the Rules of Court which states that "the instrument cannot be used to prove that one is an heir"<sup>34</sup> due to the sheer fact that it was not registered before the Register of Deeds.

Furthermore, it does not escape the attention of the Court that the Deed of Extrajudicial Settlement, which states that Elena has no other heirs and that respondent Leonor is Elena's only surviving sister,<sup>35</sup> was duly notarized, the fact of notarization not disputed by petitioner Republic.

A notarized document has in its favor the presumption of regularity and the truthfulness of its contents.<sup>36</sup> A notarized document, being a public document, is evidence of the fact which gave rise to its execution.<sup>37</sup>

Hence, the burden of disproving what is borne in the Deed of Extrajudicial Settlement, *i.e.*, that respondent Leonor is the sole surviving heir and sister of Elena, falls on petitioner Republic. However, such burden was not met. Solely focusing on the non-registration of the Deed of Extrajudicial Settlement, petitioner Republic does not provide any evidence, nor does it even make any allegation whatsoever, that respondent Leonor is not the sole surviving heir and sister of Elena.

Therefore, considering the foregoing, the Court finds that the RTC did not commit any grave abuse of discretion in allowing respondent Leonor to substitute Elena in the expropriation case, considering that respondent Leonor was able to provide ample proof of her interest over the subject property.

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<sup>34</sup> Id. at 57.

<sup>35</sup> Id. at 140-141.

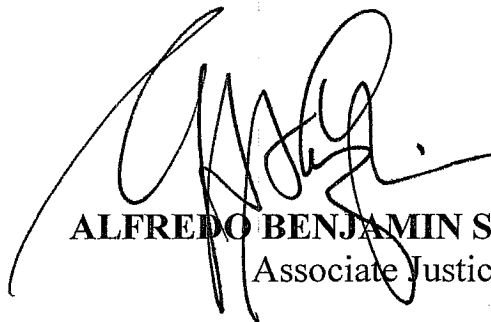
<sup>36</sup> *Spouses Reyes, et al. v. Heirs of Benjamin Malance*, 793 Phil. 861, 869 (2016).

<sup>37</sup> RULES OF COURT, Rule 132, Sec. 23.



**WHEREFORE**, the instant Petition is **DENIED**. The assailed Decision dated May 30, 2012 and Resolution dated September 28, 2012 rendered by the Court of Appeals in CA-G.R. SP No. 120151 are **AFFIRMED**.

**SO ORDERED.**

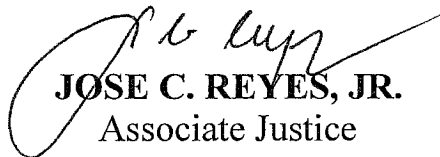


**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:



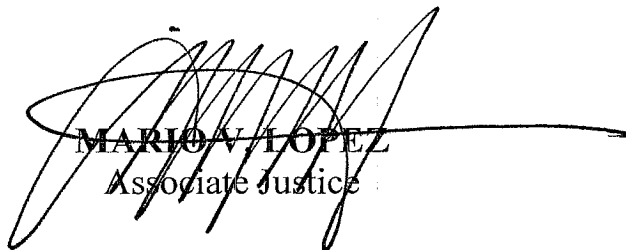
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson



**JOSE C. REYES, JR.**  
Associate Justice



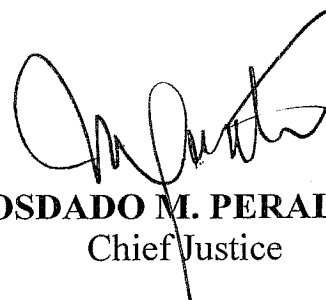
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified 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.



**DIOSDADO M. PERALTA**  
Chief Justice