



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RODOLFO CARANTO,
Petitioner,

G.R. No. 202889

Present:

HERNANDO, J.,
Acting Chairperson,
CARANDANG,*
INTING,
DELOS SANTOS, and
GAERLAN,* JJ.

- versus -

ANITA AGRA CARANTO,
Respondent.

Promulgated:

02 MAR 2020

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DECISION

HERNANDO, J.:

Before this Court is a Petition for Review on *Certiorari*¹ assailing the April 18, 2012 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 90285 and its July 31, 2012 Resolution³ which partly affirmed the October 22, 2007 Decision⁴ of the Regional Trial Court (RTC), Branch 212 of Mandaluyong City in Civil Case No. MC01-1454, and denied petitioner Rodolfo Caranto's (Rodolfo) Motion for Reconsideration,⁵ respectively.

The Factual Antecedents

Respondent Anita Agra Caranto (Anita) is the registered owner of a 347-square-meter parcel of land situated in Barangay Hagdang Bato,

* Per February 19, 2020 Raffle vice Senior Associate Justice Estela M. Perlas-Bernabe and Associate Justice Andres B. Reyes, Jr. who recused from the case due to prior participation in the Court of Appeals.

¹ *Rollo*, pp. 18-31.

² *Id.* at 34-49; penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Hakim S. Abdulwahid and Leoncia R. Dimagiba.

³ *Id.* at 52-53.

⁴ *Id.* at 113-119; penned by Judge Rizalina T. Capco-Umali.

⁵ CA *rollo*, pp. 124-129.

Mandaluyong City which is covered by Transfer Certificate of Title (TCT) No. 7884.⁶ Sometime in 2001, Rodolfo filed a Complaint⁷ for cancellation of title and reconveyance against Anita seeking to: (a) cancel the title of the subject land; (b) reconvey one-half of the same to him; and (c) pay the sum equal to 25% of the value of the recoverable property as attorney's fees as well as costs of suit.

Rodolfo alleged that he is the son of Juan C. Caranto, Sr. and Guillerma Lopez-Caranto. He has a sister named Rizalina Caranto (Rizalina), and a brother named Juan Caranto (Juan) who was Anita's husband.

On May 12, 1972, Juan executed a Special Power of Attorney⁸ in favor of Rizalina authorizing her to execute a deed of extrajudicial settlement involving the subject property that was previously covered by TCT No. 277297. A few months later or on September 18, 1972, the siblings executed an Extrajudicial Settlement of the Estate of the Deceased Guillerma O. Lopez-Caranto⁹ which stated, among others, the following:

8. That the parties herein have therefor agreed, as they do hereby agree, to divide and settle the aforementioned estate between and among them in the following manner, to wit:

(a) Property to be adjudicated to Juan L. Caranto: The parcel of land specified and described in paragraph 5(a) hereinabove (TCT No. 277297- Rizal); [subject property]

(b) Property to be adjudicated to Rizalina Caranto Balaoeg: The parcel of land specified and described in paragraph 5(b) hereinabove (TCT No. 23542 – Rizal);

(c) Property to be adjudicated to Rodolfo L. Caranto: The parcel of land specified and described in paragraph 5(c) and the three (3) door residential apartment described in paragraph 5(d) hereinabove. (TCT No. 59009 – Rizal)

(d) Properties to be adjudicated to Juan L. Caranto, Rizalina Caranto Balaoeg and Rodolfo L. Caranto, in equal one-third undivided interest each:

The parcels of land specified and described in paragraph 5(e) - TCT 23453 (Rizal); 5(f)-OCT 0-304 (La Union) and 5(g)-Tax Dec. No. 27418 (La Union).¹⁰

Juan died intestate on May 22, 1983. Afterwards, on August 14, 1993, Anita executed an Affidavit of Self-Adjudication¹¹ adjudicating upon herself the subject property. As a result, TCT No. 277297 (later referred to as TCT

⁶ Records, pp. 9-10.

⁷ *Id.* at 2-5.

⁸ *Id.* at 220-221.

⁹ *Id.* at 216-219.

¹⁰ *Id.* at 218.

¹¹ *Id.* at 17.

No. 391576)¹² was cancelled and TCT No. 7884 was issued in the name of Anita.

When Rodolfo learned about Anita's Affidavit of Self-Adjudication, he filed a Notice of Adverse Claim to protect his share in the subject property. He also filed a criminal complaint for falsification of public documents against Anita before the Office of the City Prosecutor of Mandaluyong City. In his September 3, 1998 Resolution,¹³ the city prosecutor recommended the filing of an Information for falsification against Anita.

Rodolfo alleged that the Affidavit of Self-Adjudication was a total falsity because at the time of his demise, Juan was survived not only by his wife Anita, but also by him and their sister Rizalina, as collateral relatives. Considering that Rizalina executed a Deed of Waiver of Rights¹⁴ on January 16, 1990 whereby she relinquished all her rights and participation over the subject property in his favor, Rodolfo alleged that he is now entitled to one-half thereof.

For her part, Anita sought the dismissal of the complaint for lack of cause of action and that Rodolfo is barred by laches or prescription. Further, Anita claimed that the subject property is her exclusive property since she purchased the same with her own money. She denied that Rodolfo is a legitimate brother of her husband, Juan. Anita further denied committing any falsehood or misrepresentation in the execution of the Affidavit of Self-Adjudication. Lastly, she belied Rodolfo's allegation that he exerted earnest efforts to settle the dispute between them prior to the filing of the complaint considering that she was already residing in the United States.

Anita, in turn, filed a compulsory claim for damages against Rodolfo for filing a baseless and malicious suit against her.

During the trial, Dante Agra, the brother of Anita and her attorney-in-fact,¹⁵ testified that Juan disclosed to him that Rodolfo was his illegitimate brother and that he also has an illegitimate sister. Further, Dante narrated that Juan informed him that he was the only son of Dolores Lopez who was the latter's mother as stated in the Marriage Certificate¹⁶ of Juan and Anita. Anita presented a Certification¹⁷ from the National Archives that it has no file of the Makati City Register of Births for the year 1935; hence, there was no available record about the birth of Juan on April 4, 1935 to Juan Caranto, Sr., as his father, and Dolores Lopez, as his mother. On the other hand, the Office of the Local Civil Registrar of Bacnotan, La Union,¹⁸ stated that Rodolfo was born on May 21, 1945, to Juan Caranto as his father and Guillerma Lopez, as his mother.

¹² *Id.* at 208.

¹³ *Id.* at 224.

¹⁴ *Id.* at 7.

¹⁵ *Id.* at 418.

¹⁶ *Id.* at 419.

¹⁷ *Id.* at 421.

¹⁸ *Id.* at 420.

Ruling of the Regional Trial Court

In its October 22, 2007 Decision,¹⁹ the RTC ruled that the Extrajudicial Settlement of the Estate of the Deceased Guillerma Lopez-Caranto does not suffice to support Rodolfo's claim that he is the brother of Juan. Moreover, the Deed of Waiver of Rights executed by Rizalina in his favor, and the Special Power of Attorney executed by Juan designating Rizalina as his attorney-in-fact, were inadmissible for being mere photocopies of the originals. Besides, even if admitted, these also did not serve as proofs of Rodolfo's filiation with Juan.

The trial court further observed that Rodolfo did not present the birth certificate of Juan showing that his mother was also Guillerma Lopez-Caranto. It could have disproved Dante's testimony that Juan's mother was Dolores Lopez with said evidence.

Anent the compulsory claim of Anita, the trial court awarded exemplary damages in her favor for failure of Rodolfo to prove his cause of action. Anita was also adjudged entitled to attorney's fees, litigation expenses and costs of suit. The *fallo* of the Decision reads in this wise:

WHEREFORE, premises considered, the court hereby renders judgment in favor of defendant Anita Agra Caranto and against plaintiff Rodolfo Caranto, ordering said plaintiff –

- 1) to pay the amount of Php20,000.00 as exemplary damages;
- 2) to pay the amount of Php20,000.00 as attorney's fees;
- 3) to pay the amount of Php10,000.00 as litigation expenses and cost of suit.

SO ORDERED.²⁰

Undeterred, Rodolfo appealed to the CA²¹ averring that the trial court

¹⁹ *Rollo*, pp. 113-119.

²⁰ *Id.* at 119.

²¹ *CA rollo*, p. 17.

In his appeal, Rodolfo raised the following assignment of errors:

THE TRIAL COURT SERIOUSLY ERRED IN NOT HOLDING THAT DEFENDANT IS NOW IN ESTOPPEL TO IMPUGN THE RELATIONSHIP BETWEEN PLAINTIFF AND HER DECEASED HUSBAND JUAN L. CARANTO [.]

THE TRIAL COURT SHOULD HAVE GIVEN WEIGHT AND CREDENCE TO THE EXTRAJUDICIAL SETTLEMENT OF THE ESTATE OF THE LATE GUILLERMA O. LOPEZ-CARANTO SANS THE SIGNATURE OF JUAN L. CARANTO FOR HE WAS THE ULTIMATE BENEFICIARY THEREOF AS THE PROPERTY, SUBJECT MATTER OF THE CASE, WAS ADJUDICATED TO HIM BY VIRTUE THEREOF [.]

ASSUMING THAT THE MOTHER OF JUAN L. CARANTO IS ONE DOLORES LOPEZ, THE MORE REASON THAT THE PROPERTY SHOULD REVERT TO THE PLAINTIFF AS THE ORIGINAL OWNER THEREOF IS HIS DECEASED MOTHER GUILLERMA LOPEZ-CARANTO WHO NOW APPEARS TO HAVE NO RELATION AT ALL WITH JUAN L. CARANTO, HUSBAND OF THE APPELLEE, ANITA AGRA CARANTO [.]

WITH THE FINDING THAT THE LATE JUAN L. CARANTO[']S MOTHER IS DIFFERENT FROM THAT OF PLAINTIFF'S MOTHER, THE TRIAL COURT ALSO ERRED IN NOT FINDING THAT THE

erred: (a) in not declaring Anita in estoppel in impugning his relationship with her husband; (b) in ruling that he failed to sufficiently prove that he is the brother of Juan; (c) in not giving credence to the Extrajudicial Settlement of Estate of the Late Guillerma O. Lopez-Caranto even in the absence of Juan's signature; (d) in not ordering the reversion of the property to him considering that the property was originally owned by his mother, Guillerma Lopez-Caranto; and (e) in awarding exemplary damages and attorney's fees to Anita despite lack of bases thereof.²²

Ruling of the Court of Appeals

In its April 18, 2012 Decision,²³ the CA partly granted Rodolfo's appeal. It agreed with the trial court's findings that Rodolfo failed to prove that he is the brother of Anita's husband, Juan, so as to have the right to inherit a portion of the subject property. Likewise, there was insufficient evidence to prove his title over the same to warrant an action for reconveyance as well as the cancellation of the title of the subject property.

Nonetheless, the appellate court held that the award of exemplary damages was improper for lack of basis. Further, there was no factual finding as to whether Rodolfo acted in a wanton, oppressive or malevolent manner in filing the complaint against Anita.

The dispositive portion of the appellate court's Decision reads:

WHEREFORE, premises considered, this Court **partially AFFIRMS** in part the October 22, 2007 Decision of the Regional Trial Court, Branch 212 of Mandaluyong City. This Court **partially DISMISSES** the instant appeal without prejudice to the filing before the appropriate court of an intestate proceeding for the purpose of determining the heirs who may be entitled to inherit to the estate, including the property covered by Transfer Certificate of Title No. 7884, previously under Transfer Certificate of Title No. 391576, of deceased Juan L. Caranto. Additionally, the award of exemplary damages is **DELETED** but the awards of ₱20,000.00 as attorney's fees and ₱10,000.00 litigation expenses and cost of suit are **AFFIRMED**.

SO ORDERED.²⁴

Aggrieved, Rodolfo filed a Motion for Reconsideration,²⁵ but the appellate court denied the same in its July 31, 2012 Resolution²⁶ for lack of merit.

PLAINTIFF IS NOW ENTITLED TO FULL OWNERSHIP OF THE PROPERTY AS HIS INHERITANCE FROM GUILLERMA LOPEZ-CARANTO AND THEREFORE, THE DEFENDANT MUST BE DIRECTED TO RECONVEY THE SAME [.]

THERE WAS NO FACTUAL AND LEGAL BASIS IN AWARDING DAMAGES TO DEFENDANT-APPELLEE [.] (CA rollo, p. 28)

²² *Id.* at 28.

²³ *Rollo*, pp. 34-49.

²⁴ *Id.* at 48.

²⁵ *CA rollo*, pp. 124-129.

²⁶ *Rollo*, pp. 52-53.

Hence, the instant Petition for Review on *Certiorari*.²⁷

The Issues

The core issues for resolution are:

(1) whether Anita is estopped from impugning the relationship between her late husband, Juan, and Rodolfo;

(2) whether the evidence of Rodolfo, particularly the Extrajudicial Settlement of the Estate of the Late Guillerma O. Lopez-Caranto, sufficed to prove that he is entitled to one-half of the subject property of Juan by way of inheritance and by virtue of the waiver of rights executed by Rizalina in his favor; and

(3) assuming that Juan's mother was named Dolores Lopez, whether Rodolfo is entitled to the whole subject property by reason that it was previously owned by his mother Guillerma.

The Court's Ruling

The Petition must be denied. The allegations of Rodolfo are a mere rehash of his arguments before the CA and essentially raise questions of fact as to be beyond the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court.

Rule 45 of the Rules of Court lays down the rule that only questions of law should be raised in petitions filed under the said rule since factual questions are not the proper subject of an appeal by *certiorari*. The Court will thus not entertain questions of fact as the factual findings of the appellate court are considered final, binding, or conclusive on the parties and upon this Court especially when supported by substantial evidence.²⁸

²⁷ *Id.* at 18-31.

Rodolfo ascribed the following assignment of errors:

THE COURT OF APPEALS SERIOUSLY ERRED IN NOT HOLDING THAT RESPONDENT IS NOW IN ESTOPPEL TO IMPUGN THE RELATIONSHIP BETWEEN PETITIONER AND HER DECEASED HUSBAND JUAN L. CARANTO [.]

THE COURT OF APPEALS SHOULD HAVE GIVEN WEIGHT AND CREDENCE TO THE EXTRAJUDICIAL SETTLEMENT OF THE ESTATE OF THE LATE GUILLERMA O. LOPEZ-CARANTO SANS THE SIGNATURE OF JUAN L. CARANTO FOR HE WAS THE ULTIMATE BENEFICIARY THEREOF AS THE PROPERTY, SUBJECT MATTER OF THE CASE, WAS ADJUDICATED TO HIM BY VIRTUE THEREOF [.]

ASSUMING THAT THE MOTHER OF JUAN L. CARANTO IS ONE DOLORES LOPEZ, THE MORE REASON THAT THE PROPERTY SHOULD REVERT TO THE PETITIONER AS THE ORIGINAL OWNER THEREOF IS HIS DECEASED MOTHER GUILLERMA LOPEZ-CARANTO WHO NOW APPEARS TO HAVE NO RELATION AT ALL WITH JUAN L. CARANTO, HUSBAND OF THE APPELLEE, ANITA AGRA CARANTO[,] WITH THE FINDING THAT THE LATE JUAN L. CARANTO['S] MOTHER IS DIFFERENT FROM THAT OF PETITIONER'S MOTHER, THE COURT OF APPEALS ALSO ERRED IN NOT FINDING THAT THE PETITIONER IS NOW ENTITLED TO FULL OWNERSHIP OF THE PROPERTY AS HIS INHERITANCE FROM GUILLERMA LOPEZ-CARANTO AND THEREFORE, THE RESPONDENT MUST BE DIRECTED TO RECONVEY THE SAME [.] (*Id.* at 23-24)

²⁸ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

In *Century Iron Works, Inc. v. Bañas*,²⁹ the Court differentiated a question of law from a question of fact in this manner:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.

Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact. (Citations omitted)

However, there are 10 recognized exceptional circumstances wherein the Court admits and reviews questions of fact. These are enumerated in *Medina v. Mayor Asistio, Jr.*³⁰ as follows:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. (Citations omitted)

The allegations asseverated by Rodolfo such as: (a) that Anita is estopped from impugning that he and Juan are siblings; and (b) he is entitled to one-half or the whole of the subject property, hinge on his claim that he has sufficiently proven by preponderance of evidence his cause of action in the complaint for annulment of title and reconveyance of the subject property that he filed against Anita.

In civil cases, the burden of proof rests upon the plaintiff, who is required to establish his/her case by a preponderance of evidence.³¹ Preponderance of

²⁹ 711 Phil. 576, 585-586 (2013), citing *Leoncio v. De Vera*, 569 Phil. 512, 516 (2008) and *Binay v. Odeña*, 551 Phil. 681, 689 (2007).

³⁰ 269 Phil. 225, 232 (1990).

³¹ Section 1, Rule 133 of the Rules of Court.

Section 1. *Preponderance of evidence, how determined.* — In civil cases, the party having burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts

evidence is defined as the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term “greater weight of the evidence” or “greater weight of the credible evidence.”³² It is a phrase that, in the last analysis, means probability of the truth. It is evidence that is more convincing to the court as it is worthier of belief than that which is offered in opposition thereto.³³

Preponderance of evidence refers to the probability to truth of the matters intended to be proven as facts. As such, it concerns a determination of the truth or falsity of the alleged facts based on the evidence presented by a party, who in this case is Rodolfo.³⁴

Rodolfo’s arguments are essentially questions of fact. Rodolfo argues that he is the brother of Juan although his birth certificate stated that his mother was Guillerma Lopez-Caranto while the marriage contract between Juan and Anita indicated that Juan’s mother was Dolores Lopez, and both documents stated that Juan Caranto, Sr. was their father. Rodolfo stresses that, assuming that he and Juan have different mothers, he is therefore entitled to the ownership of the entire property being the legitimate heir of Guillerma Lopez-Caranto and because of Rizalina’s relinquishment of her rights over the same in his favor.

It is thus clear that if the Court has to entertain the above-mentioned contentions assailing the findings of the appellate court, it has to review the probative value and evaluate once again the evidence presented by the contending parties. This is evidently beyond the purview of a petition for review under Rule 45.

In his vain attempt to prove that his petition should be given due course despite raising factual issues, Rodolfo interposes that the following six exceptions wherein the Court may review factual issues exist: (a) the findings of the appellate court are grounded entirely on speculation, surmises and conjectures; (b) its inference from the findings of fact is manifestly mistaken/absurd; (c) it went beyond the issues of the case and the same are contrary to the admissions of both parties; (d) its judgment is premised on misapprehension of facts; (e) it failed to notice certain relevant facts which, if properly considered, will justify a different conclusion; and (f) its findings of fact are based on the absence of evidence but contradicted by the evidence on record.

None of these exceptions is present in the case.

to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

³² *Tan, Jr. v. Hosana*, 780 Phil. 258, 266 (2016), citing *Ramos v. Obispo*, 705 Phil. 221, 230 (2013).

³³ *Tan, Jr. v. Hosana*, *id.*

³⁴ *Metropolitan Bank and Trust Company v Ley Construction and Development Corporation*, 749 Phil. 257, 270 (2014).

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A close perusal of Rodolfo's arguments in the petition shows that these are simply a mere rehash of his claims in his appeal before the appellate court which it already thoroughly passed upon. Coming before this Court, Rodolfo alleges that the appellate court gravely erred in its findings resulting in the presence of the exceptional circumstances aforementioned. Unfortunately, he failed to demonstrate any compelling reason that would warrant the reversal of the findings and conclusions of the appellate court that Rodolfo failed to sufficiently prove that he is the brother of Juan and therefore he had no share in the latter's estate.

Indubitably, the Court will not review the factual findings of the appellate court as there is not even a scintilla of evidence that the instant petition falls under any of the exceptions laid down in *Medina*. To stress, the burden of proof lies upon Rodolfo who failed to convince the Court that a review of the factual findings is necessary.³⁵ His mere assertion and claim that the case falls under the exceptions is not enough.

At this juncture, we quote with approval the findings of the Court of Appeals:

Thus, it is incumbent upon Rodolfo to prove that he is the brother of the decedent. Unfortunately, Rodolfo failed to overcome this burden. The record is bereft of any evidence submitted by Rodolfo to prove his relationship with the decedent. Indeed, Rodolfo could have submitted documents, such as birth certificates, duly showing that he and Juan have the same mother, father or both.

From the foregoing discussions, it is without a doubt that Rodolfo failed to prove his title to the 347-square meter lot covered by TCT No. 7884, previously under TCT No. 391576, in order to successfully maintain an action for reconveyance. In addition thereto, he failed to prove by preponderance of evidence that he is the brother of deceased Juan. In the absence of evidence to support his cause, the right to inheritance sought by Rodolfo is untenable for lack of ground or basis therefor.³⁶

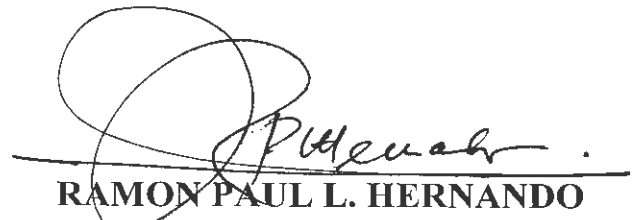
All told, considering that the issues were factual in nature as it involved the determination of whether Rodolfo sufficiently proved his claim by preponderance of evidence, the Court sees no reason to warrant the exercise of its judicial discretion to review the same. Hence, there is no need to discuss the other issues raised by Rodolfo.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The April 18, 2012 Decision of the Court of Appeals in CA-G.R. CV No. 92085 is **AFFIRMED**.

³⁵ *Pascual v. Burgos*, supra note 28 at 184.


³⁶ *Rollo*, pp. 45-46.

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

WE CONCUR:


ROSMAR D. CARANDANG
Associate Justice

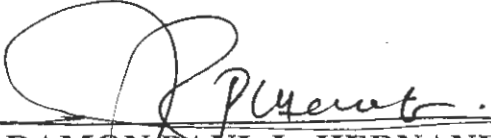

HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
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.


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ESTELA M. PERLAS-BERNABE
Acting Chief Justice*

* Per Special Order No. 2775 dated February 27, 2020.