REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
ManilaBY: SA  
TIME: 9:36 AM

## SECOND DIVISION

## NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 27 November 2019 which reads as follows:*

**“G.R. No. 229310 (Norwie G. Lucas, Novelyn A. Lucas, and Municipal Assessor Clarina U. Pang-ot vs. Segundina T. Lucas, Dionisia L. Marticio, and Pacita L. Almonte).** — The present petition for review on *certiorari* under Rule 45 of the Revised Rules of Court assails the June 10, 2016 Decision<sup>1</sup> and the November 23, 2016 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 104386, which granted the appeal of Segundina T. Lucas (Segundina), Dionisia L. Marticio, and Pacita L. Almonte<sup>3</sup> from the September 4, 2014 Decision of the Regional Trial Court of San Fernando City, La Union, Branch 66, which dismissed their case for declaration of nullity of certification and quieting of title.

The subject of this dispute is a parcel of land located in Lacong, San Gabriel, La Union, which houses a cellular network relay station.<sup>4</sup> On June 9, 2005, petitioner Clarina Pang-ot (MA Pang-ot), in her capacity as Municipal Assessor of San Gabriel, La Union, issued a Certification stating that the cellular station is located within the property of petitioners Norwie and Novelyn Lucas (hereinafter collectively referred to as the Lucases).<sup>5</sup> On the strength of said Certification, the Lucases claimed rentals from the cellular station’s operator. Upon learning that the Lucases were claiming the rentals from the cellular station, respondents filed the present suit on August 17, 2005, asking the trial court to: 1) nullify of the Certification issued by MA Pang-ot; 2) order the Lucases to respect the ownership and possession of respondents over the disputed parcel; 2) order the Lucases to stop collecting rents from the cellular station operator; and 3) order the Lucases to pay rentals, damages, and attorney’s fees.<sup>6</sup>

<sup>1</sup> Penned by Associate Justice Mariflor G. Punzalan-Castillo and concurred in by Associate Justices Florito S. Macalino (deceased) and Zenaida T. Galapate-Laguilles. *Rollo*, pp. 10-29.

<sup>2</sup> *Id.* at 31-33.

<sup>3</sup> *Id.* at 279, 315.

<sup>4</sup> *Id.* at 72.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 97.

In their Complaint,<sup>7</sup> Segundina et al. alleged that the Certification issued by MA Pang-ot was false because the cellular station is located within their property. To prove their claim, Segundina et al. presented a survey plan prepared by Engr. Saturnino Mendoza (Mendoza). The survey was commissioned specifically to determine the exact location of the cellular station in relation to the respondents' lot. Engr. Mendoza testified that the largest portion of the cellular station was located within the area of the lot owned by respondents.<sup>8</sup> This finding was corroborated by another survey conducted on May 4, 2006, by order of the trial court, which was conducted by Engr. Martin Lim (Lim).<sup>9</sup>

The Lucases, in the defense, averred that the cellular station is located in the southwest portion of their property, which is designated as Lot 4099 and covered by OCT No. CLOA-2325; and for that reason, the cellular station operator dealt with Norwie Lucas in acquiring the use of the disputed parcel.<sup>10</sup> Respondents only started claiming the disputed parcel as part of their property when it was chosen as a cellular station site.<sup>11</sup> They further alleged that several surveys have been conducted to determine the location of the disputed parcel, but respondents always repudiated the results thereof.<sup>12</sup> To further prove that the disputed parcel is located within their property, the Lucases submitted a survey plan prepared Engr. Michael Ancheta (Ancheta), which became the basis for the issuance of the Certification signed by MA Pang-ot.<sup>13</sup>

On September 4, 2014, the trial court rendered its decision<sup>14</sup> dismissing the suit. The trial court held that respondents were unable to discharge their burden of proving that the disputed parcel lay within the bounds of their property. Of the three surveys presented, the trial court gave the most weight to Ancheta's survey plan, as it was an independent survey commissioned by the municipal mayor of San Gabriel when the dispute was referred to him for settlement. Less weight was given to the surveys of Engr. Mendoza, and Lim, respectively, because Engr. Mendoza's survey was conducted at the instance of respondent Segundina, and because Lim's survey was considered inconclusive as it used computations based merely on tax declarations and old documents, without reference to the cadastral maps or more recent documents.

Respondents appealed to the CA, which reversed the trial court's decision, thus:

<sup>7</sup> Id. at 95-98.

<sup>8</sup> Id. at 113-114.

<sup>9</sup> Id. at 152; 167.

<sup>10</sup> Id. at 103.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id. at 105.

<sup>14</sup> Rendered by Presiding Judge Victor O. Concepcion; id. at 201-211.

**WHEREFORE**, premises considered, the instant appeal is **GRANTED**. The Decision dated 4 September 2014 of the Regional Trial Court of San Fernando City, La Union, Branch 66 dismissing the complaint for Declaration of Nullity of Certification and Quieting of Title is **REVERSED** and **SET ASIDE**.

The Certification dated 9 June 2005 issued by Clarina U. Pang-ot is declared void, thus removing any cloud on the title of plaintiffs-appellants Segundina T. Lucas, Dionisia L. Marticio, and Pacita L. Almonte over Lot 5237 covered by OCT No. CLOA-2306. Norwie Lucas and Novelyn Lucas are ordered to pay said plaintiffs-appellants the amount of ₱500,000.00, representing the rentals from 14 March 2005 to 14 March 2015; plus the escalation rate of 4.5% per year starting March 2006 until March 2015, the succeeding rentals with escalation after 14 March 2015, and the legal interest until fully paid. Norwie Lucas, Novelyn Lucas, and Clarina U. Pang-ot are further ordered to pay said plaintiffs-appellants ₱50,000 as attorney's fees.

**SO ORDERED.**<sup>15</sup>

Contrary to the trial court's evaluation, the appellate court found Ancheta's testimony to be the "weakest and least credible" of the three surveyors' testimonies presented. According to the CA, Ancheta's determination of the exact location of the cellular station is inconclusive because it depended on where the first corner of the boundary will be plotted; and there was no proof that the parties agreed to his choice of starting point. Ancheta did not write the survey report himself but merely signed the report prepared by Pang-ot on the basis of his findings; rather, he only prepared a Consolidation Plan, which does not even indicate the location of the cellular station. Furthermore, respondents did not consent to Ancheta's survey and were not present during the conduct thereof. Given these serious doubts clouding the Ancheta survey and the Pang-ot report, the CA held that the trial court's assessment thereof as the "more reliable and accurate" testimony does not hold water.

Rather, the CA gave more credence to the Lim and Mendoza surveys, as they categorically situated the disputed parcel within the property of respondents. The Lim survey was conducted upon orders of the trial court, in the presence of the trial judge, the parties, and their respective counsels; and it made use of the cadastral maps and previous survey plans. In sum, the appellate court found that there was a preponderance of evidence showing that the cellular station is located within the property of respondents; and therefore the Pang-ot Certification showing that the cellular station is within the property of the Lucases created a cloud over the title of respondents to said portion.

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<sup>15</sup> Id. at 90.

The Lucases filed a motion for reconsideration, which the CA denied in the assailed resolution; hence, this petition for review, which raises the following issues: 1) whether the case is for quieting of title or a boundary dispute; 2) whether or not the factual findings of the trial court should be upheld; 3) whether or not the Pang-ot Certification is valid; and 4) whether or not the Lucases are liable for the accrued rentals, interest, and attorney's fees.

As regards the characterization of the dispute, the Complaint filed by respondents alleges that the cellular station is actually located within their property, which they have actually, openly, adversely, and peacefully possessed since time immemorial, until the issuance in 2005 of the Pang-ot Certification, which enabled the Lucases to claim the parcel and collect the rentals therefrom.<sup>16</sup> This is precisely a situation "where a complainant in possession of a specific piece of land, and a defendant out of possession, but claiming some right or title, are contending as to which one has the better right to that parcel x x x", "where *the titles are x x x opposed*, and the basis and existence of all right and claim [do not] depend simply upon where the original line runs".<sup>17</sup>

The case at bar involves a situation where two parties both claim title to a single parcel of land. As correctly held by the CA, the requisite elements for an action to quiet title are present in this case, namely: 1) legal title to the disputed property in favor of the plaintiff and 2) a deed casting a cloud on such title shown to in fact invalid despite a prima facie appearance of validity. Respondents hold a Torrens certificate of title and have been in peaceful possession of the disputed parcel until the issuance of the Pang-ot certification, by which they lost the right to claim rentals from the disputed parcel. Even assuming *arguendo* that the case at bar ultimately involves a dispute over the boundary of the lots titled in the name of the respondents and those of the Lucases, the fact remains that the Lucases' claim over the disputed parcel came into existence solely by virtue of the Pang-ot certification. Verily, this Certification was the deed that gave rise to the cloud over the title of respondents to the disputed parcel.

As regards the other issues, this Court finds no sufficient justification to reverse the findings of the CA. Our ruling in *F.F. Cruz & Co., Inc. v. Phil. Iron Construction and Marine Works, Inc., et al.*<sup>18</sup> is instructive on this point:

A conflict between the factual findings of the CA and the trial court only provides *prima facie* basis for a recourse to the Supreme Court. But before we even give due course to a petition under Rule 45 which raises factual issues — much less undertake a complete reexamination of the records —

<sup>16</sup> Id. at 96.

<sup>17</sup> 78 ALR 58, cited in *Vda. de Aviles v. CA*, 332 Phil. 513, 522-523 (1966).

<sup>18</sup> 817 Phil. 392 (2017).


it is incumbent upon the petitioner to clearly show that manifestly correct findings have been unwarrantedly rejected or reversed by the CA. “[O]nly a showing, on the face of the record, of *gross or extraordinary misperception or manifest bias* in the [CA]’s reading of the evidence will justify this Court’s intervention by way of assuming a function usually within the former’s exclusive province.”<sup>19</sup>

This Court has painstakingly perused the appellate court’s decision and found no such gross or extraordinary perception or manifest bias in the estimation of the evidence and arguments submitted by the parties on appeal. The CA gave more than ample justification for its reversal of the trial court’s decision. It must be remembered that, while great weight and respect is given to the trial court’s appreciation of the witnesses and evidence, it is likewise a well-settled principle that an appellate court is vested with the power to reverse the trial court if it finds that court *a quo* committed an error of judgment in its decision. Here, the trial court, in giving more credence to the Ancheta survey, committed an error of judgment which the CA correctly reversed on appeal, for reasons abundantly stated in the assailed decision.

**WHEREFORE**, premises considered, the petition is hereby **DENIED**. The June 10, 2016 Decision and the November 23, 2016 Resolution of the Court of Appeals in CA-G.R. CV No. 104386 are hereby **AFFIRMED**.

**SO ORDERED.**”

Very truly yours,

  
**TERESITA AQUINO TUAZON**  
Deputy Division Clerk of Court *with 12/20*  
26 DEC 2019

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<sup>19</sup> Id. at 399.

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(Civil Case No. 7110)

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