



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**JOAQUIN G. CHUNG, JR.,
PAZ ROYERAS-SOLER, and
MANSUETO MACEDA,**
Petitioners,

G.R. No. 179754

- versus -

Present:

JACK DANIEL MONDRAGON,
(deceased), substituted by his sisters
namely: **TEOTIMA M. BOURBON,**
EMMA M. MILLAN,
EUGENIA M. RAMA and
ROSARIO M. CABALLES;
CLARINDA REGIS-SCHMITZ and
MARIA LINA MALMISA,
Respondents.

CARPIO, Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

NOV 21 2012 *HM Cabales*

DECISION

DEL CASTILLO, J.:

In making the indictment that a court's decision fails in the fundamental mandate that no decision shall be rendered without expressing therein clearly and distinctly the facts and the law on which it is based, the demurring party should not mistake brevity for levity.

This Petition for Review on *Certiorari*¹ assails 1) the November 23, 2006 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 79615, which affirmed the May 19, 2003 Decision³ of the Regional Trial Court (RTC), Br. 24, Maasin City, Southern Leyte in Civil Case No. R-3248, which in turn dismissed the herein petitioners' Complaint for quieting of title, and 2) the September 2,

¹ *Rolla*, pp. 3-26

² *Id.* at 27-39; penned by Associate Justice Priscilla Baltazar-Padilla and concurred in by Associate Justices Isaias P. Diedican and Romeo F. Barza

³ Records, pp. 563-567; penned by Judge Bethany G. Kapili.

2007 CA Resolution⁴ denying reconsideration thereof.

Factual Antecedents

Petitioners Joaquin G. Chung, Jr., Paz Royeras-Soler, and Mansueto Maceda are descendants of Rafael Mondragon (Rafael) by his first wife, Eleuteria Calunia (Eleuteria), while respondent Jack Daniel Mondragon⁵ (Jack Daniel) is Rafael's descendant by his second wife, Andrea Baldos (Andrea).

Original Certificate of Title (OCT) No. 22447⁶ is registered in the name of "*Heirs of Andrea Baldos represented by Teofila G. Maceda*" and covers 16,177 square meters of land in Macrohon, Southern Leyte (the land).

Petitioners claim that from 1921 up to 2000, Rafael appeared as owner of the land in its tax declaration, and that a free patent was issued in 1987 in the name of Andrea's heirs upon application of Teofila G. Maceda (Teofila), who is petitioners' sister.

On the other hand, respondents claim that Andrea is the exclusive owner of the land, having inherited the same from her father Blas Baldos. They add that during Andrea's lifetime, she was in lawful, peaceful and continuous possession thereof in the concept of owner; that in 1954, Andrea conveyed a portion thereof to one Crispina Gloria de Cano via a document written in the vernacular wherein she categorically stated that she inherited the land from her father and she was the true and exclusive owner of the land; that after Andrea died in 1955, her son Fortunato Mondragon took over, paying taxes thereon religiously; and when Fortunato died, his son Jack Daniel (herein respondent) came into possession and

⁴ *Rollo*, pp. 40-41; penned by Associate Justice Priscilla Baltazar-Padilla and concurred in by Associate Justices Isaias P. Dicedican and Antonio L. Villamor.

⁵ Respondent Jack Daniel Mondragon passed away on February 14, 2009, and is herein substituted by his heirs – his sisters Teotima M. Bourbon, Emma M. Millan, Eugenia M. Rama and Rosario M. Caballes – per Resolution of the Court dated October 19, 2011 granting the motion for substitution filed by respondents' counsel (*Id.* at 168).

⁶ Records, pp. 71-72.

enjoyment thereof.

On August 18, 2000, Jack Daniel sold a 1,500-square meter portion of the land to his co-respondent Clarinda Regis-Schmitz (Regis-Schmitz).

On the claim that Jack Daniel had no right to sell a portion of the land and that the sale to Regis-Schmitz created a cloud upon their title, petitioners filed Civil Case No. R-3248, with a prayer that Jack Daniel be declared without right to sell the land or a portion thereof; that their rights and those belonging to the legitimate heirs of Rafael and Eleuteria be declared valid and binding against the whole world; that the respondents be restrained from creating a cloud upon OCT No. 22447; and that Jack Daniel's sale to Regis-Schmitz be declared null and void.

After respondents filed their Answer, petitioners moved for judgment on the pleadings. In an October 16, 2002 Order,⁷ the trial court denied the motion. Notably, during proceedings taken on the motion, petitioners made an admission in open court that respondent Jack Daniel is Andrea's grandson and heir.⁸

At the pre-trial conference, it was mutually agreed by the parties that the sole issue to be resolved is whether Jack Daniel possessed the right to dispose a portion of the land.⁹

Ruling of the Regional Trial Court

After trial, the court *a quo* rendered its May 19, 2003 Decision¹⁰ dismissing the case. It held that with the admission that Jack Daniel is an heir of Andrea, he being the latter's grandson and therefore her heir, he is thus a co-owner of the land which forms part of Andrea's estate, and thus possesses the right to dispose of his

⁷ CA *rollo*, pp. 135-136.

⁸ Id.

⁹ Records, p. 301.

¹⁰ Id. at 563-567.

undivided share therein. The trial court held that petitioners' remedy was to seek partition of the land in order to obtain title to determinate portions thereof.

Ruling of the Court of Appeals

Petitioners appealed the dismissal, claiming that the trial court's Decision violated the constitutional requirement that no decision shall be rendered without expressing therein clearly and distinctly the facts and the law on which it is based.¹¹ They continued to question Jack Daniel's sale to Regis-Schmitz, who they claim was married to a foreign national and thus disqualified from purchasing a portion of the land; the non-registration of the sale; the alleged false claim on the deed of sale by Jack Daniel that he is the exclusive owner of the land; and the lack of authority of the notary public who notarized the sale.

The respondents countered that the sole issue that required resolution was, as circumscribed by the trial court, the capacity of Jack Daniel to dispose of a portion of the land, and nothing more.

The CA sustained the trial court. It held that petitioners were bound by the agreement during pre-trial and by the pre-trial order to limit the determination of the case to the sole issue of whether Jack Daniel possessed the capacity to dispose a portion of the land. Since they did not object to the trial court's pre-trial order, petitioners are bound to abide by the same. It concluded that the other issues which were not related to Jack Daniel's capacity to dispose deserved no consideration, citing the pronouncement in *Philippine Ports Authority v. City of Iloilo*¹² that "the determination of issues at a pre-trial conference bars the consideration of other questions on appeal."

¹¹ CONSTITUTION, Article VIII, Section 14:

Section 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

x x x x

¹² 453 Phil. 927, 938 (2003).

The CA further ruled that contrary to petitioners' submission, Civil Case No. R-3248 was decided on the merits, as the trial court squarely addressed the issues and the evidence; that it having been discovered through petitioners' own admission in court that Jack Daniel was a co-heir, and thus co-owner, of the land, all questions relative to his capacity to convey a portion thereof have therefore been resolved in the affirmative.

On the other hand, the CA noted that while Jack Daniel is admittedly a direct descendant of Rafael by his second wife Andrea, petitioners do not appear to be her heirs and instead are descendants of Rafael by his first wife Eleuteria – which thus puts their claimed title to the land in doubt; and that although OCT No. 22447 cites Teofila, petitioners' sister, it includes her in the title merely as the purported "representative" of Andrea's heirs and does not indicate her as an owner of the land. Finally, the CA observed that it was Jack Daniel, and not the petitioners, who occupied the land. Nevertheless, it affirmed the trial court's Decision.

Issues

The instant petition now raises the following issues for resolution:

1. NON-COMPLIANCE WITH RULE VIII, SEC. 14, CONSTITUTION AND RULE 36 TO DECLARE THE DECISION NULL AND VOID.
2. MISAPPREHENSION OF [SIC] TO THE TRUE AWARDEE OF OCT NO. 22447 TANTAMOUNT TO LACK OF JURISDICTION [OVER] THE CASE.
3. FAILURE TO ACQUIRE JURISDICTION OVER THE PERSON OF RESPONDENT CLARINDA REGIS SCHMITZ.
4. FAILURE TO DECLARE THE ORDER DENYING THE MOTION FOR JUDGMENT ON THE PLEADINGS AND DECISION AS NULL AND VOID FOR FAILING TO ESTABLISH THE CONDITIONS SINE QUA NON TO SUPPORT THE ORDER AND DECISION OF THE TRIAL COURT TO DISMISS THE CASE.

5. WHETHER X X X ATTY. PATERNO A. GONZALEZ WAS A DULY AUTHORIZED NOTARY PUBLIC; PURPORTED COPY OF APPOINTMENT BEARS NO COURT SEAL, AS COURT EVIDENCE.¹³

Petitioners' Arguments

In their Petition, the petitioners, speaking through their counsel and co-petitioner Chung, persistently argue, as they did in the CA, that the trial court's Decision violated the constitutional requirement that no decision shall be rendered without expressing therein clearly and distinctly the facts and the law on which it is based. They claim that it is not true that Andrea is the owner of the land; that Jack Daniel's sale to Regis-Schmitz is null and void because she is disqualified from owning land in the Philippines; that he had no right to sell the said portion, and the sale deprived them of their supposed legitime; that their admission made in open court to the effect that Jack Daniel is an heir of Andrea cannot supplant a declaration of heirship that may be issued by a proper testate or intestate court; that the claim that Andrea is the true and lawful owner of the land is false; that when their motion for judgment on the pleadings was denied, their judicial admission that Jack Daniel was Andrea's grandson and heir was expunged; and that Jack Daniel's deed of sale with Regis-Schmitz was a falsity for lack of authority of the notarizing officer.

Petitioners likewise argue that the trial court did not acquire jurisdiction over the person of Regis-Schmitz because her counsel did not possess the appropriate authority to represent her.

Petitioners thus pray that the CA Decision be set aside; that the Court quiet title to OCT No. 22447; that the sale by Jack Daniel to Regis-Schmitz be declared null and void; and that the Court award them ₱50,000.00 moral damages, ₱10,000.00 exemplary damages, and ₱30,000.00 attorney's fees.

¹³ *Rollo*, p. 8.

Respondents' Arguments

Respondents point out a defective verification in the Petition, and add that petitioners continue to raise irrelevant issues – such as the capacity of Regis-Schmitz to acquire a portion of the land and the commission of the notary public – which the CA properly disregarded. They point out that the CA is correct in its observation that petitioners apparently do not possess the required title to maintain a suit for quieting of title, they being strangers to OCT No. 22447 as they proceed from Eleuteria, Rafael's first wife, and not his second wife Andrea, who in fact owns the land and in whose name it is titled.

Respondents echo the trial court and the CA's common pronouncement that on account of petitioners' admission that Jack Daniel is an heir of Andrea, this makes him a co-owner of the land, and as such, he possessed the capacity to dispose of his undivided share to Regis-Schmitz. This admission, they argue, thus settled the lone issue in Civil Case No. R-3248 of whether Jack Daniel may validly dispose of a portion of the land.

On the question of the notary public's commission, respondents argue that they have adduced sufficient evidence to refute petitioners' claim that the notary public, Atty. Paterno Gonzalez, possessed the authority to notarize documents at the time. They direct the Court's attention to the appointment issued by Executive Judge Fernando Campilan, Jr., the testimony of the latter's clerk of court confirming the issuance of the notarial commission, and Atty. Gonzalez's oath of office as notary during the period in question.

Finally, on the issue that the trial court did not acquire jurisdiction over the person of Regis-Schmitz, respondents point to the fact that since Regis-Schmitz appointed Jack Daniel as her attorney-in-fact to represent her in Civil Case No. R-3248, no authority from her was required in order that Jack Daniel's counsel may represent her.

Our Ruling

The petition lacks merit.

The constitutional requirement that every decision must state distinctly and clearly the factual and legal bases therefor should indeed be the primordial concern of courts and judges. Be that as it may, there should not be a mechanical reliance on this constitutional provision. **The courts and judges should be allowed to synthesize and to simplify their decisions considering that at present, courts are harassed by crowded dockets and time constraints.** Thus, the Court held in *Del Mundo v. Court of Appeals*:

It is understandable that courts with heavy dockets and time constraints, often find themselves with little to spare in the preparation of decisions to the extent most desirable. We have thus pointed out that judges might learn to synthesize and to simplify their pronouncements. Nevertheless, concisely written such as they may be, decisions must still distinctly and clearly express at least in minimum essence its factual and legal bases.¹⁴ (Emphasis supplied)

The Court finds in this case no breach of the constitutional mandate that decisions must express clearly and distinctly the facts and the law on which they are based. The trial court's Decision is complete, clear, and concise. Petitioners should be reminded that in making their indictment that the trial court's Decision fails to express clearly and distinctly the facts and the law on which it is based, they should not mistake brevity for levity.

The issues in a case for quieting of title are fairly simple; the plaintiff need to prove only two things, namely: "(1) the plaintiff or complainant has a legal or an equitable title to or interest in the real property subject of the action; and (2) that the deed, claim, encumbrance or proceeding claimed to be casting a cloud on his title must be shown to be in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy. Stated differently, the plaintiff must show that he has a legal or at least an equitable title over the real property in dispute, and

¹⁴ *People v. Sadosa*, 352 Phil. 700, 712 (1998).

that some deed or proceeding beclouds its validity or efficacy.”¹⁵

This case does not involve complex issues that require extensive disquisition. Quite the contrary, it could have been resolved on a simple motion to dismiss. The trial court apparently was satisfied that the first requisite, possession by petitioners of a legal or equitable title to the land, was complied with; it concluded that petitioners held equitable title, being descendants of Rafael, albeit by his first marriage to Eleuteria. The trial court *assumed* that although the land was titled in the name of “*Heirs of Andrea Baldos represented by Teofila G. Maceda*”, Rafael had a share therein on account of his marriage to Andrea. From this assumption, the trial court then concluded that petitioners must at least have a right to Rafael’s share in the land, which right grants them the equitable title required to maintain a suit for quieting of title. This assumption, nevertheless, is decidedly erroneous.

It is evident from the title that the land belongs to no other than the heirs of Andrea Baldos, Rafael’s second wife. The land could not have belonged to Rafael, because he is not even named in OCT No. 22447. With greater reason may it be said that the land could not belong to petitioners, who are Rafael’s children by his first wife Eleuteria. Unless Eleuteria and Andrea were related by blood – such fact is not borne out by the record – they could not be heirs to each other. And if indeed Eleuteria and Andrea were blood relatives, then petitioners would have so revealed at the very first opportunity. Moreover, the fact that Rafael died ahead of Andrea, and that he is not even named in the title, give the impression that the land belonged solely to the heirs of Andrea, to the exclusion of Rafael. If this were not true, then the title should have as registered owners the “*Heirs of Rafael and Andrea Mondragon*”, in which case the petitioners certainly would possess equitable title, they being descendants-heirs of Rafael. Yet OCT No. 22447 is not so written.

¹⁵ *Lucasan v. Philippine Deposit Insurance Corporation*, G.R. No. 176929, July 4, 2008, 557 SCRA 306, 314.

Add to this is the fact that petitioners are not in possession of the land. A different view would have been taken if they were. Indeed, not even the fact that their sister Teofila Maceda's name appears in OCT No. 22447 could warrant a different conclusion. Her name appears therein only as a representative of Andrea's heirs. As mere representative, she could have no better right.¹⁶

On the basis of the foregoing considerations, Civil Case No. R-3248 deserved no greater treatment than dismissal. Petitioners do not possess legal or equitable title to the land, such that the only recourse left for the trial court was to dismiss the case. Thus said, although they both arrived at the correct conclusion, the trial court and the CA did so by an erroneous appreciation of the facts and evidence.

Petitioners cannot, on the pretext of maintaining a suit for quieting of title, have themselves declared as Andrea's heirs so that they may claim a share in the land. If they truly believe that they are entitled to a share in the land, they may avail of the remedies afforded to excluded heirs under the Rules of Court, or sue for the annulment of OCT No. 22447 and seek the issuance of new titles in their name, or recover damages in the event prescription has set in.¹⁷

With these findings, the Court finds no need to consider the parties' other arguments, founded as they are on the erroneous pronouncements of the trial court and the CA.

WHEREFORE, premises considered, the Petition is **DENIED**. Civil Case No. R-3248 is accordingly **DISMISSED**.

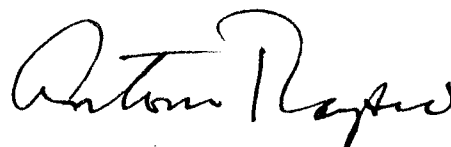
SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

See Corpus v. Corpus, 232 Phil. 21, 31 (1987).

See Philippine Economic Zone Authority v. Fernandez, 411 Phil. 107, 120-121 (2001).

WE CONCUR:



ANTONIO T. CARPIO

Associate Justice

Chairperson



ARTURO D. BRION

Associate Justice



JOSE PORTUGAL PEREZ

Associate Justice



ESTELA M. PERLAS-BERNABE

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.



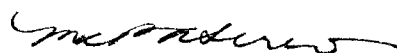
ANTONIO T. CARPIO

Associate Justice

Chairperson

CERTIFICATION

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

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