



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

VSD REALTY & DEVELOPMENT
CORPORATION,

Petitioner,

G.R. No. 170677

Present:

VELASCO, JR., J., *Chairperson*,
PERALTA,
ABAD,
MENDOZA, and
LEONEN, JJ.

- versus -

UNIWIDE SALES, INC. and
DOLORES BAELO TEJADA,
Respondents.

Promulgated:

JUL 31 2013

Macapuno

X-----X

RESOLUTION

PERALTA, J.:

This is a motion for reconsideration of the Decision¹ dated October 24, 2012, the dispositive portion of which reads:

WHEREFORE, the petition is **GRANTED**. The Decision of the Court of Appeals dated May 30, 2005 and its Resolution dated December 6, 2005 in CA-G.R. CV No. 69824 are **REVERSED** and **SET ASIDE**. The Decision of the Regional Trial Court of Caloocan City, Branch 126, in Civil Case No. C-16933 is **REINSTATED** with **MODIFICATION** as follows:

(1) Paragraph 1 of the dispositive portion of the Decision dated October 2, 2000 of the Regional Trial Court of Caloocan City, Branch 126, in Civil Case No. C-16933, is deleted;

(2) Respondent Dolores Baello and all persons/entities claiming title under her, including respondent Uniwide Sales, Inc., are ordered to convey and to return the property or the lot covered by TCT No. T-285312 to petitioner VSD Realty and Development Corporation upon finality of this Decision;

(3) Respondent Dolores Baello is ordered to pay just and reasonable compensation for the occupancy and use of the land of petitioner VSD Realty and Development Corporation in the amount of ₱58,333.30 per month from September 12, 1994 until the Decision is final and executory, with legal interest of six percent (6%) *per annum* reckoned from the filing of the Complaint on June 8, 1995 until the finality of this Decision. Thereafter, respondent Uniwide Sales, Inc. is jointly and severally liable with Dolores Baello for the payment to petitioner VSD Realty and Development Corporation of monthly rental in the amount of ₱58,333.30 from the finality of this Decision until the land is actually vacated, with twelve percent (12%) interest *per annum*.

(4) The award of attorney's fees is deleted.

No costs.

SO ORDERED.²

We recapitulate the facts. On June 8, 1995, petitioner VSD Realty and Development Corporation (VSD) filed a Complaint for annulment of title and recovery of possession of property against respondents Uniwide Sales, Inc. (Uniwide) and Dolores Baello³ with the Regional Trial Court (RTC) of Caloocan City, Branch 126 (trial court). Petitioner sought the nullification of Transfer Certificate of Title (TCT) No. (35788) 12754 in the name of Dolores Baello and the recovery of possession of property that is being occupied by Uniwide by virtue of a contract of lease with Dolores Baello.

Petitioner VSD alleged that it is the registered owner of a parcel of land in Caloocan City, with an area of 2,835.30 square meters, more or less, and covered by TCT No. T-285312⁴ of the Register of Deeds of Caloocan City. VSD bought the said property from Felisa D. Bonifacio, whose title thereto, TCT No. 265777, was registered by virtue of an Order⁵ dated October 8, 1992 authorizing the segregation of the same in Land Registration Commission (LRC) Case No. C-3288. Petitioner also alleged that its right to the subject property and the validity and correctness of the technical description and location of the property are duly established in

² *Id.* at 967-968. (Emphasis in the original)

³ Referred to as respondent Dolores Baello Tejada in the title of G.R. No. 170677.

⁴ Annex "A," records, vol. I, p. 9.

⁵ Records, Vol. II, pp. 585-586.

LRC Case No. C-3288.⁶ Petitioner alleged that its title, TCT No. 285312, is the correct, valid and legal document that covers the subject property, since it is the result of land registration proceedings in accordance with law.

Petitioner alleged that respondent Baello's title, TCT No. 35788, covering the same property, is spurious and can only be the result of falsification and illegal machinations, and has no legal basis to establish any right over the subject property. Moreover, the technical description of Baello's title is so general that it is impossible to determine with certainty the exact location of the property covered by it. Petitioner further alleged that the technical description has no legal basis per the records of the Lands Management Bureau and the Bureau of Lands. It added that Baello's title described the property to be Lot 3-A of subdivision plan Psd 706, but an examination of Psd 706 shows that there is no Lot 3-A in plan Psd 706. Petitioner contends that in view of the foregoing reasons, Baello has no legal basis to claim the subject property, and Baello's title, TCT No. 35788, is spurious and illegal and should be annulled. Thus, petitioner sought recovery of possession of the subject property and the payment of rent from respondents.

Respondent Baello filed a Motion to Dismiss on the grounds that the complaint stated no cause of action, and that the demand for annulment of title and/or conveyance, whether grounded upon the commission of fraud or upon a constructive trust, has prescribed, and is barred by laches. The trial court denied Baello's motion to dismiss as well as Baello's subsequent motion for reconsideration for lack of merit.

Thereafter, respondent Baello filed an Answer, alleging that the subject property was bequeathed to her through a will by her adoptive mother, Jacoba Galauran. She alleged that during the lifetime of Jacoba Galauran, the subject property was originally surveyed on January 24-26, 1923⁷ and, thereafter, on December 29, 1924.⁸ Baello alleged that after Jacoba Galauran died in 1952, her will was duly approved by the probate court, the Court of First Instance, Pasig, Rizal. Baello stated that she registered the subject property in her name, and TCT No. (35788) 12754⁹ was issued in her favor on September 6, 1954. In 1959, she had the subject property surveyed. On July 15, 1988, she entered into a Contract of Lease¹⁰ with respondent Uniwide, which erected in full public view the building it presently occupies. Baello stated that she has been religiously paying realty

⁶ Entitled *In the Matter of Petition for Authority to Segregate an Area of 5,680.1 Square Meters from Lot 23-A-4-B-2-A-3-B, PSD 706 (PSU-2345) of Maysilo Estate and Issuance of Separate Certificate of Title in the name of Felisa D. Bonifacio*, filed by Felisa D. Bonifacio.

⁷ Records, Vol. I, p. 196.

⁸ *Id.* at 195.

⁹ Annex "2," *id.* at 197.

¹⁰ Annex "1," *id.* at 65-72.

taxes for the subject property,¹¹ and that the Complaint should be dismissed as she enjoys a superior right over the subject property because the registration of her title predates the registration of petitioner's title by at least 40 years.

The deposition of respondent Baello, which was taken on October 1, 1998 at the Philippine Consular Office in San Francisco, California, United States of America, affirmed the same facts stated in her Answer.

On October 2, 2000, the trial court rendered a Decision¹² in favor of petitioner. The trial court held that the evidence for petitioner showed that it is the rightful owner of the subject lot covered by TCT No. 285312 of the Register of Deeds of Caloocan City. The lot was purchased by petitioner from Felisa D. Bonifacio, who became the owner thereof by virtue of her petition for segregation of the subject property from Original Certificate of Title (OCT) No. 994 of the Register of Deeds of Rizal in LRC Case No. C-3288. TCT No. 265777 was issued to Felisa Bonifacio pursuant to an Order dated October 8, 1992 by the RTC of Caloocan City in LRC Case No. C-3288. The trial court stated that it cannot question the Order (in LRC Case No. C-3288) issued by a co-equal court in this respect, considering that Regional Trial Courts now have the authority to act not only on applications for original registration, but also over all petitions filed after original registration of title, with power to hear and determine all questions arising from such applications or petitions.

Moreover, the trial court found that the technical description in respondent Baello's title is not the same as the technical description in petitioner's title, and that a mere reading of the technical description in petitioner's title and that in Baello's title would show that they are not one and the same. The trial court averred that the technical description of the subject lot in petitioner's title is recorded with the Register of Deeds of Caloocan City.¹³

The trial court stated that in the face of the documentary and testimonial evidence of competent government witnesses who affirmed petitioner's right to the technical description, it was incumbent on respondent Baello to present credible evidence to overcome the same, but she failed to do so. The trial court held that from the evidence adduced, petitioner is the registered owner of TCT No. 285312, formerly TCT No. 265777 when Felisa D. Bonifacio was the registered owner, while respondent Baello is the registered owner of a parcel of land covered by TCT No. (35788) 12754 and respondent Uniwide is a mere lessee of the

¹¹ Annexes "4," to "4-H," *id.* at 201-209.

¹² *Rollo*, pp. 78-96.

¹³ Exhibit "F," records, vol. II, p. 588.

land. Baello is the holder of a title over a lot entirely different and not in any way related to petitioner's title and its technical description. Petitioner proved its ownership and the identity of the subject property that it sought to recover, which is an essential requisite in its action for annulment of title and recovery of possession of property. The dispositive portion of the trial court's Decision reads:

WHEREFORE, in the light of the foregoing consideration, judgment is hereby rendered ordering the following:

1. Declaring TCT No. 35788 [12754] to be null and void;
2. Defendant Baello and all persons/entity claiming title under her, including UNIWIDE, to convey and to return the property to plaintiff VSD on the basis of the latter's full, complete, valid and legal ownership;
3. Defendant Baello and UNIWIDE, jointly and severally, to pay a just and reasonable compensation per month of ₱1,200,000.00 with legal interest for the occupancy and use of plaintiff's land from September 12, 1994, until actually vacated by them;
4. Defendants, jointly and severally, to pay attorney's fees of ₱200,000.00.

SO ORDERED.¹⁴

Respondents appealed the trial court's decision to the Court of Appeals, which rendered a Decision dated May 30, 2005 in favor of respondents, and reversed and set aside the Decision of the RTC and dismissed petitioner's complaint.

The Court of Appeals stated that the main issue to be resolved was whether or not there was a valid ground to annul respondent Baello's TCT No. (35788) 12754 to warrant the reconveyance of the subject property to petitioner. The Court of Appeals stated that based on existing jurisprudence, a certificate of title may be annulled or cancelled by the court under the following grounds: (1) when the title is void because (a) it was procured through fraud, (b) it was issued for a land already covered by a prior Torrens title, (c) it covers land reserved for military, naval or civil public purposes, and (d) it covers a land which has not been brought under the registration proceeding; (2) when the title is replaced by one issued under a cadastral proceeding; and (3) when the condition for its issuance has been violated by the registered owner.¹⁵ The Court of Appeals averred that while petitioner sought to annul respondent Baello's TCT No. 35788 on the ground that the same was spurious, it failed to prove that Baello's title was indeed spurious.

¹⁴ *Rollo*, pp. 95-96.

¹⁵ *Id.* at 54, citing *Noblejas & Noblejas, Registration of Land Titles and Deeds*, 1992 edition, pp. 239-242.

The appellate court also noted that the trial court's decision never mentioned that Baello's title was spurious. It further stated that any doubt or uncertainty as to the technical description contained in a certificate of title is not a ground for annulment of title. It held that since there was no legal basis for the annulment of Baello's TCT No. 35788, the trial court erred in declaring the said title null and void. It stated that well settled is the rule that a Torrens title is generally conclusive evidence of ownership of the land referred to therein, and a strong presumption exists that it was regularly issued and valid.¹⁶ Hence, respondent Baello's TCT No. 35788 enjoys the presumption of validity.

Petitioner filed a petition for review on *certiorari* before this Court, raising the following issues: (1) The Court of Appeals erred in ruling that the burden of proof did not shift to respondents, notwithstanding the overwhelming evidence presented by petitioner; (2) the Court of Appeals misconstrued petitioner's allegation that the "issuance of two titles over the same piece of land has not been proved"; (3) the Court of Appeals erred in treating petitioner's complaint as one only for annulment of title when petitioner also sought reconveyance of the lot in question; (4) the Court of Appeals erred in ruling that respondent Baello's title is not spurious; and (5) respondent Uniwide is not a lessee in good faith.¹⁷

This Court discussed the pertinent issues raised with the main issues: whether or not petitioner is entitled to recover possession of the subject property; and, whether or not the title of respondent Baello may be annulled.

The established legal principle in actions for annulment or reconveyance of title is that a party seeking it should establish not merely by a preponderance of evidence but by clear and convincing evidence that the land sought to be reconveyed is his.¹⁸ Article 434¹⁹ of the Civil Code provides that to successfully maintain an action to recover the ownership of a real property, the person who claims a better right to it must prove two (2) things: *first*, the identity of the land claimed, and; *second*, his title thereto.²⁰ In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.²¹

¹⁶ *Id.*, citing *Republic v. Orfinada, Sr.*, 485 Phil. 18, 33 (2004).

¹⁷ *Id.* at 11.

¹⁸ *Manotok Realty, Inc. v. CLT Realty Development Corporation*, G.R. No. 123346, December 14, 2007, 540 SCRA 304.

¹⁹ Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

²⁰ *Hutchinson v. Buscas*, 498 Phil. 257, 262 (2005).

²¹ *Manotok Realty, Inc. v. CLT Realty Development Corporation*, *supra* note 18, at 345.

The Court upheld the decision of the trial court that petitioner was able to establish through documentary and testimonial evidence that the technical description of its Torrens title, embodying the identity of the land claimed, covers the property that is being occupied by respondent Uniwide by virtue of a lease contract with respondent Baello, and that a comparison of the technical description of the land covered by the title of petitioner and the technical description of the land covered by the title of Baello shows that they are not the same. Hence, the Court granted the petition, and reversed and set aside the Decision of the Court of Appeals and its Resolution denying petitioners' motion for reconsideration; and the Decision of the RTC was reinstated with modification. The dispositive portion of the Court's decision has been cited earlier.

Respondent Baello filed a motion for reconsideration²² of the Court's decision on the following grounds:

1) This honorable Court erred in not holding that petitioner VSD's Title (Transfer Certificate of Title No. T-285312) is null and void and that the same cannot give rise to any claim of ownership or possession over the subject property, having been derived from the fake and non-existent Original Certificate of Title (OCT) No. 994 dated 19 April 1917, which purportedly covered the non-existent Maysilo estate.

2) This honorable Court erred, and deprived respondent Baello of due process, when it made a finding that respondent Baello's title ([TCT] No. (35788) 12754) does not cover the subject property considering that:

(a) Whether respondent Baello's title covers the subject property was never the issue in this case. In praying for the annulment of respondent Baello's title, the basic underlying premise and basis of such action is that the two titles, petitioner VSD's title and respondent Baello's title, cover the same property. Even if VSD's action is considered as one for reconveyance, the same hinges on the validity of the title of VSD.

(b) A determination of whether a certificate of title's technical description covers a particular area of land is a matter involving technical expertise, which this Honorable Court does not have. Such a determination can only be resolved through a survey conducted by a licensed and reputable geodetic engineer.

(c) In any case, records of the case show that respondent Baello was able to establish through positive evidence that her title covers the subject property.

3) This honorable Court erred in finding that petitioner VSD was able to prove that it has a better right to the subject property by mere

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Rollo, pp. 1019-1067.

presentation of TCT No. T-28512 registered under its name and by showing that the technical descriptions contained in TCT No. T-28512 correctly described the subject property. On the contrary, the evidence presented by petitioner VSD is insufficient to overcome the presumptive title of respondent Baello, who has been in possession of the subject property for more than fifty years. Thus, this instant action for reconveyance of the subject property initiated by petitioner VSD must fail.

4) This honorable Court erred in not holding that respondent Baello enjoys a superior right to the disputed property because the registration of her title predated the registration of petitioner VSD's title by at least 40 years.

5) This honorable Court erred in ordering respondent Baello to pay monthly compensation to petitioner VSD considering that respondent Baello merely entered into a contract of lease with Uniwide involving land that is covered by the technical description of her title – which this Honorable Court has held to be valid.²³

On February 13, 2013, respondent Baello,²⁴ by counsel, filed a *Motion for Leave and Time to File Judicial Affidavit of Mr. Felino Cortez and Supplemental Motion for Reconsideration (Re: Decision dated 24 October 2012)*. In the said motion, respondent Baello contended that subsequent to the filing of her motion for reconsideration, she discovered new evidence, not available at the time of trial and of the filing of her motion for reconsideration, which established that petitioner VSD's TCT No. T-285312 cannot be traced to the legitimate and authentic TCT No. 994; hence, petitioner's title is null and void. Baello's daughter, Bernadette Flores, requested Mr. Felino Cortez, retired and former Director on Registration of the Land Registration Authority (LRA) to conduct an investigation on petitioner VSD's TCT No. T-285312. Mr. Cortez examined the documents with the LRA and the Register of Deeds of Caloocan, and he allegedly found that the copy of Felisa Bonifacio's TCT No. 265777/T-1325 that was presented to the Register of Deeds of Caloocan, for the purpose of the issuance of petitioner VSD's TCT No. T-285312, was tampered to fraudulently reflect that it was derived from the legitimate and authentic OCT No. 994 dated May 3, 1917. It is alleged that the original microfilm copy retained by the LRA shows that the same TCT No. 265777/T-1325 did not originate from the legitimate and authentic OCT No. 994 dated May 3, 1917, but was instead derived from a certain OCT No. 994 dated April 19, 1912. In view of this development, and in the interest of justice, and to protect respondent Baello's constitutional right to property, and to avoid conflicting ruling of this Court, respondent Baello begged the indulgence of this Court to grant her *Motion for Leave and Time to File Judicial Affidavit*

²³ *Id.* at 1019-1021. (Emphasis omitted)

²⁴ The Resolution dated January 23, 2013 noted the Notice of Death of respondent Dolores Baello Tejada, who died on June 22, 2013 and who is survived by her heirs, namely, Ma. Bernadette T. Flores, Ma. Cecille T. Novales, and Jose George Tejada.

of Mr. Felino Cortez and Supplemental Motion for Reconsideration, which motion was granted by the Court.²⁵

On March 14, 2013, respondent Dolores Baello, by counsel, filed a Supplemental Motion for reconsideration of the Decision dated October 24, 2012²⁶ on the following grounds:

1) Felisa Bonifacio's [TCT] No. 265777/T-1325, from which petitioner [VSD] derived its title, is null and void, having been derived from a fake and non-existent OCT No. 994. This new evidence bolsters respondent Baello's position that this honorable Court erred in not holding that petitioner VSD's title (TCT No. T-285312) is null and void and cannot give rise to any claim of ownership or possession over the subject property;

2) This honorable Court seriously erred in finding that respondent Baello's TCT No. (35788) 12754 does not cover the subject property. A careful examination of respondent Baello's TCT No. (35788) 12754 and petitioner VSD's TCT No. T-285312 will show that the technical descriptions of the land referred to in those titles both refer to the same parcel of land;

3) Aside from the manifest irregularities appearing on the face of Felisa Bonifacio's TCT No. 265777/T-1325 (from which petitioner VSD derived its title), Felisa Bonifacio's TCT No. 265777/T-1325 cannot be traced back to the legitimate and authentic OCT No. 994. On the other hand, respondent Baello's TCT No. (35788) 12754 and its predecessor titles can be traced back to the legitimate and authentic OCT No. 994 dated 3 May 1917.²⁷

Petitioner VSD was required to file a comment on the motion for reconsideration. In its Comment on the motion for reconsideration and the supplemental motion for reconsideration, petitioner contends that a valid title can arise even from an allegedly void title if a buyer in good faith, like petitioner, intervenes; that the alleged nullity of its title cannot be raised for the first time on appeal; that additional evidence cannot be presented for the first time on appeal, more so in a motion for reconsideration before this Court; and that respondent Baello failed to prove that her title covers the subject property, among others.

In the main, respondent Baello contends that the Court erred in not declaring petitioner VSD's TCT No. T-285312 as null and void, considering that it is derived from Felisa Bonifacio's TCT No. 265777/T-1325, which, in turn, is derived from the false and fictitious OCT No. 994 dated April 19, 1917. **The records of this case, however, show that Felisa Bonifacio's**

²⁵ Resolution dated February 25, 2013, *rollo*, p. 1089-B.

²⁶ *Rollo*, pp. 1460-1655.

²⁷ *Id.* at 1462-1463. (Emphasis omitted)

TCT No. 265777/T-1325 and VSD's TCT No. T-285312 are derived from the legitimate OCT No. 994 registered on May 3, 1917, which date has been held as the correct date of registration of the said OCT in *Manotok Realty, Inc. v. CLT Realty Development Corporation*.²⁸ In her *Motion for Leave and Time to File Judicial Affidavit of Mr. Felino Cortez and Supplemental Motion for Reconsideration*, which the Court granted, respondent Baello contends that she has additional evidence showing that the copy of Felisa Bonifacio's TCT No. 265777/T-1325 that was presented to the Register of Deeds of Caloocan, for the purpose of the issuance of petitioner VSD's TCT No. T-285312, was tampered with to fraudulently reflect that it was derived from the legitimate and authentic OCT No. 994 dated May 3, 1917. It is alleged that the original microfilm copy retained by the LRA shows that Felisa Bonifacio's TCT No. 265777/T-1325 did not originate from the legitimate and authentic OCT No. 994 dated May 3, 1917, but was instead derived from OCT No. 994 dated April 19, 1912. Baello cited *Manotok Realty, Inc. v. CLT Realty Development Corporation*,²⁹ which allowed the presentation of evidence before a Special Division of the Court of Appeals to ascertain which of the conflicting claims of title should prevail, even though the case had already been decided; and the additional evidence was presented in connection with a motion for reconsideration of this Court's decision.

The Court notes that in *Manotok Realty, Inc. v. CLT Realty Development Corporation*,³⁰ the Court pronounced that there is only one OCT No. 994, which is correctly registered on May 3, 1917, and that any title that traces its source to OCT No. 994 dated April 17, 1917 is void, for such mother title is inexistent.

The Court recognizes the importance of protecting the country's Torrens system from fake land titles and deeds. Considering that there is an issue on the validity of the title of petitioner VSD, which title is alleged to be traceable to **OCT No. 994 registered on April 19, 1917**, which mother title was held to be inexistent in *Manotok Realty, Inc. v. CLT Realty Development Corporation*,³¹ in the interest of justice, and to safeguard the correct titling of properties, a remand is proper to determine which of the parties derived valid title from the legitimate **OCT No. 994 registered on May 3, 1917**. Since this Court is not a trier of facts and not capacitated to appreciate evidence of the first instance, the Court may remand this case to the Court of Appeals for further proceedings, as it has been similarly tasked in *Manotok Realty, Inc. v. CLT Realty Development Corporation*³² on these bases:

²⁸ *Supra* note 18.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

Under Section 6 of Rule 46, which is applicable to original cases for certiorari, the Court may, whenever necessary to resolve factual issues, delegate the reception of the evidence on such issues to any of its members or to an appropriate court, agency or office. The delegate need not be the body that rendered the assailed decision.

The Court of Appeals generally has the authority to review findings of fact. Its conclusions as to findings of fact are generally accorded great respect by this Court. It is a body that is fully capacitated and has a surfeit of experience in appreciating factual matters, including documentary evidence.

In fact, the Court had actually resorted to referring a factual matter pending before it to the Court of Appeals. In *Republic v. Court of Appeals*, this Court commissioned the former Thirteenth Division of the Court of Appeals to hear and receive evidence on the controversy, more particularly to determine “the actual area reclaimed by the Republic Real Estate Corporation, and the areas of the Cultural Center Complex which are ‘open spaces’ and/or ‘areas reserved for certain purposes,’ determining in the process the validity of such postulates and the respective measurements of the areas referred to.” The Court of Appeals therein received the evidence of the parties and rendered a “Commissioner’s Report” shortly thereafter. Thus, resort to the Court of Appeals is not a deviant procedure.

The provisions of Rule 32 should also be considered as governing the grant of authority to the Court of Appeals to receive evidence in the present case. Under Section 2, Rule 32 of the Rules of Court, a court may, *motu proprio*, direct a reference to a commissioner when a question of fact, other than upon the pleadings, arises upon motion or otherwise, in any stage of a case, or for carrying a judgment or order into effect. The order of reference can be limited exclusively to receive and report evidence only, and the commissioner may likewise rule upon the admissibility of evidence. The commissioner is likewise mandated to submit a report in writing to the court upon the matters submitted to him by the order of reference. In *Republic*, the commissioner’s report formed the basis of the final adjudication by the Court on the matter. The same result can obtain herein.³³

Accordingly, the Court hereby remands this case to the Court of Appeals. The Court of Appeals is tasked to hear and receive evidence, conclude the proceedings and submit to this Court a report on its findings and recommended conclusions within three (3) months from finality of this Resolution.

In determining which of the conflicting claims of title should prevail, the Court of Appeals is directed to establish, based on the evidence already

³³*Id.* at 351-352.

on record and other evidence that will be presented in the proceedings before it, the following matter:

- (1) Whether the title of Felisa D. Bonifacio, TCT No. 265777/T-1325, and the title of VSD, TCT No. T-285312, can be traced back to the legitimate and authentic OCT No. 994 dated May 3, 1917;
- (2) Whether Eleuteria Rivera Bonifacio, who allegedly assigned the subject property to Felisa D. Bonifacio, had the right and interest over the subject property, and whether Eleuteria Rivera Bonifacio was entitled to assign her alleged rights and interests over the subject property, known as Lot 23-A-4-B-2-A-3-A, Psd 706, covered by OCT No. 994, to Felisa D. Bonifacio;
- (3) Whether the copy of Felisa Bonifacio's TCT No. 265777/T-1325 was tampered with to fraudulently reflect that it was derived from the legitimate and authentic OCT No. 994 dated May 3, 1917;
- (4) Whether respondent Baello's TCT No. (35788) 12754 can be traced back to the legitimate and authentic OCT No. 994 dated May 3, 1917;
- (5) Whether the technical description of the title of Baello covers the subject property; and
- (6) Such other matters necessary and proper in determining which of the conflicting claims of title should prevail.

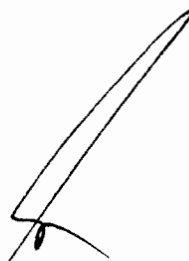
WHEREFORE, this case is **REMANDED** to the Court of Appeals for further proceedings in accordance with the two preceding paragraphs of this Resolution.

SO ORDERED.

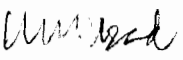


DIOSDADO M. PERALTA
Associate Justice


WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

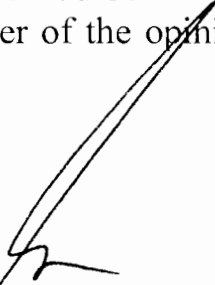

ROBERTO A. ABAD
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

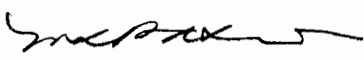
ATTESTATION

I attest that the conclusions in the above Resolution 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 Resolution 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