



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

“G.R. No. 229883 (SPOUSES DATU CAMARO SALENDAB AND HADJA JOLLY SALENDAB, *petitioners* v. ONE ALIAS MAMASAPALAO PANGILAMAN, THE BRANCH MANAGER OF LAND BANK OF THE PHILIPPINES, KORONADAL BRANCH, ENGR. MARION Y. ABELLA, IN HIS CAPACITY AS THE PROVINCIAL AGRARIAN REFORM OFFICER II FOR THE PROVINCE OF COTABATO, *respondents*). — A contract, even if unnotarized, may be the source of equitable title to real property. Hence, an action to quiet title may be filed based on an unnotarized contract, so long as it is shown to be valid.

This Court resolves the Petition for Review on Certiorari¹ filed by the Spouses Datu Camaro Salendab and Hadja Jolly Salendab (the Salendab Spouses), assailing the Decision² and Resolution³ of the Court of Appeals that dismissed their complaint for quieting of title. The Court of Appeals reversed the Decision⁴ of the Regional Trial Court, where the Salendab Spouses were found to have an equitable title to a parcel of land in Cotabato.

The Cotabato property is a 55,876 square meter parcel of land specifically located at Barangay Upper Mingading, Aleosan, Cotabato.⁵ It is covered by Original Certificate of Title (OCT) No. V-18036 and is registered under the name of a Mamasapalao Pangilaman (Pangilaman).⁶

¹ *Rollo*, pp. 31–71.

² *Id.* at 76–91. The August 31, 2016 Decision in CA-G.R. CV No. 03508-MIN was penned by Associate Justice Perpetua T. Atal-Paño and concurred in by Associate Justices Edgardo A. Camello and Ruben Reynaldo G. Roxas of the Special Twenty-Second Division of the Court of Appeals, Cagayan De Oro.

³ *Id.* at 119–121. The January 31, 2017 Resolution in CA-G.R. CV No. 03508-MIN was penned by Associate Justice Perpetua T. Atal-Paño and concurred in by Associate Justices Edgardo A. Camello and Ruben Reynaldo G. Roxas of the Special Twenty-Second Division of the Court of Appeals, Cagayan De Oro.

⁴ *Id.* at 295–312. The November 26, 2013 Decision was penned by Presiding Judge Lily Lydia A. Laquindanum of the Regional Trial court of Midsayap, Cotabato, Branch 24.

⁵ *Id.* at 77.

⁶ *Id.*

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On December 3, 2007, the Cotabato property became the subject of a complaint for quieting of title filed by the Salendab Spouses before the Regional Trial Court of Midsayap, Cotabato.⁷ Impleaded as defendants were One Alias Mamasapalao Pangilaman (Alias Pangilaman), the Branch Manager of the Land Bank of the Philippines Koronadal Branch (Land Bank), and Engineer Marion Y. Abella (Abella), the Provincial Agrarian Reform Officer for the Province of Cotabato.⁸

After the filing of Answers and the conduct of a pre-trial conference, trial on the merits then ensued.⁹

The Salendab Spouses proceeded to present their evidence composed of witness testimonies from: (1) Hadja Jolly Salendab (Hadja Jolly) herself; (2) Tanny Mandas (Mandas); and (3) and Sheriff Xyrel Alonzo (Sheriff Alonzo) of the Regional Trial Court Branch 24, Midsayap, Cotabato.¹⁰ Taken together, their testimonies tended to prove the following version of the facts.

On April 4, 2000, the Salendab Spouses, as buyers, and Pangilaman, as seller, executed a Deed of Absolute Sale¹¹ over the Cotabato property for the purchase price of ₱50,000.00. Pangilaman's cousin-in-law, Hadja Mariam Cristie Kumpa (Hadja Mariam Cristie), facilitated the sale, the proceeds of which were to be used for Pangilaman's cancer treatments. Hadja Mariam Cristie and Mandas, the son of Pangilaman, signed as witnesses in the Deed of Absolute Sale.¹²

Sometime in March 2003, Hadja Jolly Salendab met with a friend, Baikan Abutazil (Abutazil), in Shariff Aguak, Maguindanao. Hadja Jolly requested Abutazil to facilitate the processing of their voluntary offer to sell two of their properties to the government under the Comprehensive Agrarian Reform Program. The first property was acquired from Gonsalagan Calim, and the second property was the Cotabato property acquired from Pangilaman. They agreed to a 65-35 sharing, with Abutazil getting 35% of the proceeds and turning over the remaining 65% to Hadja Jolly. Thereafter, Abutazil went to the business office of Hadja Jolly in Buluan, Maguindanao to get the original copies of the certificates of title covering the two properties.¹³

The Voluntary Offer to Sell the property acquired from Gonsalagan Calim was completely processed. However, Abutazil failed to turn over in

⁷ Id. at 122-128.

⁸ Id. at 122-123.

⁹ Id. at 79.

¹⁰ Id. at 79.

¹¹ Id. at 131.

¹² Id. at 77.

¹³ Id. at 77-78.

full the 65% share of Hadja Jolly to the proceeds of the sale. This caused the friends to fall out, with Hadja Jolly asking Abutazil to cease facilitating the processing of her other property, *i.e.*, the Cotabato property. Abutazil replied that OCT No. V-18036 was already submitted to the Department of Agrarian Reform in Manila for verification. Nevertheless, she agreed to no longer work on the Cotabato property. It was only then, in 2006, that Hadja Jolly had the Deed of Absolute Sale involving the Cotabato property notarized.¹⁴

Hadja Jolly herself then followed up with the Department of Agrarian Reform on the processing of the Cotabato property. However, to her surprise, she learned that another person, Alias Pangilaman, also followed up on the processing of the property.¹⁵ She thus went to Panicupan, Pikit, Cotabato, to look for Pangilaman. Instead of finding him, she found his son, Mandas, who said that his father had already died in 2001, a year after the sale of the Cotabato property. She requested Mandas to withdraw the original duplicate copy of OCT No. V-18036 from the Department of Agrarian Reform.¹⁶

Mandas agreed with Hadja Jolly's request, going to the Department of Agrarian Reform office in Kidapawan City to withdraw the original copy of OCT No. V-18036. However, he was told that OCT No. V-18036 was already in possession of a certain "judge" and a person who represented himself to be Pangilaman.¹⁷

After Mandas had relayed to Hadja Jolly the status of OCT No. V-18036, Hadja Jolly decided to go herself to the Department of Agrarian Reform in Kidapawan City, specifically, to the Legal Division. She showed to the agrarian reform officials a copy of the April 4, 2000 Deed of Sale and a copy of OCT No. V-18036. She also informed them that the real Pangilaman was already dead, and the person claiming the proceeds of the voluntary sale was only pretending to be him. Hadja Jolly was directed to request the suspension of processing of the Cotabato property, which she and Datu Camaro Salendab (Datu Camaro) did.¹⁸

Acting on their complaint for suspension of proceedings, the Provincial Agrarian Reform Officer of Cotabato, in his Investigation Report¹⁹ dated October 30, 2007, recommended the complaint's dismissal. The Officer-in-Charge Regional Director of the Department of Agrarian Reform accepted the recommendation, thus ordering the continuation of the Voluntary Offer to Sell proceedings and the release of the proceeds to the registered owner, Pangilaman.²⁰

¹⁴ Id. at 290-291.

¹⁵ Id. at 307.

¹⁶ Id. at 300.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 405-410.

²⁰ Id. at 78.

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With the denial of their motion for reconsideration, the Salendab Spouses filed their complaint for quieting of title with the Regional Trial Court of Midsayap, Cotabato.

Witness Sheriff Alonzo testified that on December 11, 2007, he went to Shariff Aguak, Maguindanao, to serve the summons on Alias Pangilaman with Datu Camaro. He went to the police station and showed the police on duty a photograph of Alias Pangilaman. The police officers then identified the person in the picture as an Imam of Poblacion, Shariff Aguak.²¹

It was allegedly raining at that time, so the Chief of Police suggested that the police bring Alias Pangilaman to the police station instead of going to his house. After a while, the police brought in the man appearing in the photograph, and Sheriff Alonzo served the summons on him.²²

Sheriff Alonzo introduced himself and asked the man if he was indeed Pangilaman. The man answered that his true name was "Musaik Alab," but he would also sign documents using the name "Pangilaman." However, when asked to receive the summons, the man refused to affix his signature, and instead wrote "Musaik Alab" and placed his thumbmark on the summons.²³

For Alias Pangilaman, he failed to present witnesses in court, and the trial court deemed him to have waived his right to present evidence because he never attended any of the court proceedings. His counsel likewise failed to submit the judicial affidavits of his witnesses despite receipt of the order of the trial court.²⁴ As for defendant Land Bank, it manifested that it would not be presenting evidence considering that it was a mere nominal party to the case.²⁵

Only Provincial Agrarian Reform Officer Abella was able to present employees of the Department of Agrarian Reform as witnesses, namely: (1) Noemi Lopez; (2) Merlie Boston (Legal Officer Boston); and (3) Legal Officer Oding Yusoph (Legal Officer Yusoph). Taken together, their testimonies tended to prove the following version of the facts.

In 2006, Abutazil a "fixer," went to the Municipal Agrarian Reform Office of Aleosan, Cotabato, to inquire who was in charge of proceedings involving a Voluntary Offer to Sell. With her was a photocopy of OCT No. V-18036 registered in the name of "Mamasapalao Pangilaman."²⁶

²¹ Id. at 300.

²² Id.

²³ Id.

²⁴ Id. at 297-298.

²⁵ Id. at 297.

²⁶ Id. at 301.

Eventually, Abutazil returned and submitted the required documents, including the original owner's duplicate copy of OCT No. V-18036, to Senior Agrarian Reform Technologist, Margie Montero (Montero). However, Montero had already died due to colon cancer. As for Legal Officer Boston, she failed to ascertain the whereabouts of the original owner's duplicate copy of OCT No. V-18036. Legal Officer Boston also testified that their office only dealt with Abutazil, never with the landowner Pangilaman.²⁷

The Salendab Spouses then filed a complaint to suspend the proceedings involving the voluntary sale of the Cotabato property, alleging that the Alias Pangilaman claiming the sale's proceeds was an impostor and that the real Pangilaman had already died as early as 2001. Acting on the complaint, Legal Officer Yusoph issued a show-cause letter to Alias Pangilaman, requiring him to show proof of his identity. As for the Salendab Spouses, Legal Officer Yusoph required them to prove that the registered owner Pangilaman had already died.²⁸

Appearing before Legal Officer Yusoph, the Spouses Salendab presented the April 4, 2000, Deed of Absolute Sale. Mandas likewise accompanied them to corroborate the fact of the death of his father, Pangilaman. When asked to show proof of his filiation to Pangilaman, Mandas allegedly said that "his personal appearance is heftier than a piece of paper."²⁹

For his part, Alias Pangilaman presented to Legal Officer Yusoph the original copy of OCT No. V-18036, a National Bureau of Investigation (NBI) clearance bearing the name "Mamasapalao Pangilaman," the original realty tax receipts, and a newspaper clip and certificate of publication of the Extra Judicial Settlement of Kokas Compañia, the wife of Pangilaman.³⁰

Comparing the pieces of evidence presented before him, Legal Officer Yusoph gave more credence to those of Alias Pangilaman and dismissed the Salendab Spouses' complaint. At the witness stand, however, Legal Officer Yusoph admitted that "he was not privy to the processing of the [Voluntary Offer to Sell] claim of [OCT No. V-18036]."³¹ "[H]e [also] could not testify with certainty that the person who appeared before him as Pangilaman was the "Mamasapalao Pangilaman" who owned the Cotabato property as he "did not conduct a thorough investigation on the [person's] identity,"³² merely relying on the documents submitted by Abutazil.³³

²⁷ Id.

²⁸ Id.

²⁹ Id. at 302.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id.

In its November 26, 2013 Decision,³⁴ the Regional Trial Court granted the Salendab Spouses' complaint for quieting of title. It emphasized that a person seeking to quiet his [or her] title need not be the registered owner of the property subject of a quieting of title complaint.³⁵ So, while the Salendab Spouses were admittedly not the registered owners of the Cotabato property, the Deed of Absolute Sale, according to the trial court, still proved their equitable title to the Cotabato property. Consequently, the Salendab Spouses have the requisite personality to file the complaint.³⁶

The trial court likewise held that the Deed of Absolute Sale, though unnotarized, was not invalid. It reasoned that “[c]ontracts are obligatory in whatever form they may have been entered into, provided all essential requisites are present.”³⁷

As to the identity of Alias Pangilaman, the trial court was convinced that he is an impostor of the registered owner Pangilaman due to the following: first, Alias Pangilaman thumb marked the summons served on him as “Musaik Alab”; second, Sheriff Alonzo testified that Alias Pangilaman admitted to him that his true name is “Musaik Alab,” although he sometimes uses “Mamasapalao Pangilaman” in signing his name; and, third, when Legal Officer Yusoph was shown the picture Sheriff Alonzo used in tracking Alias Pangilaman for service of summons, the former identified the photographed person as the same person who appeared before him as Alias Pangilaman. According to the trial court, all of these corroborated the testimonies of Hadja Jolly and Legal Officer Boston that only Abutazil had the voluntary offer to sell processed, the same person Hadja Jolly gave the original owner's duplicate copy of OCT No. V-18036.³⁸

Given the foregoing, the trial court held that the Salendab Spouses had equitable title to the Cotabato property; hence, the proceeds of the voluntary sale of the Cotabato property should be released to them.

The dispositive portion of the November 26, 2013 Decision reads:

WHEREFORE, in view of the foregoing, DECISION is hereby rendered:

1. Declaring plaintiffs-spouses Datu Camaro Salendab and Hadja Jolly Salendab as the lawful owners of Lot No. 838, Pls 463, covered by OCT No. V-18036 registered in the name of Mamasapalao Pangilaman, by virtue of a Deed of Sale executed

³⁴ Id. at 295–312.

³⁵ Id. at 304. *citing Spouses Mamadsual v. Hon. Moson, et al.*, 268 Phil. 77 (1990) [Per J. Gancayco, En Banc].

³⁶ Id. at 304–305.

³⁷ Id. at 305–306.

³⁸ Id. at 308–309.

2000;

2. Ordering the Manager of the Land Bank of the Philippines, Koronadal City Branch, to release the VOS proceeds of the aforesaid lot in the amount of Php351,468.78 to plaintiffs-spouses Datu Camaro Salendab and Hadja Jolly Salendab, they having successfully proven that they are the legitimate owner of the property registered in the name of Mamasapalao Pangilaman;
3. Ordering private defendant Alias One Mamasapalao Pangilaman, whose real name is Musaik Alab, to reimburse the plaintiffs herein the amount of Php10,000.00 by way of attorney's fees.

No pronouncement as to cost.

SO ORDERED.³⁹ (Emphasis in the original)

The Court of Appeals, however, had a contrary opinion. In its August 31, 2016 Decision,⁴⁰ it found that the Spouses Salendab presented insufficient evidence of their equitable title to the Cotabato property. Initially, the Court of Appeals discussed how the absence of notarization does not render a deed of sale void.⁴¹ Yet, it held that the April 4, 2000 Deed of Sale between the Salendab Spouses and Pangilaman was invalidly notarized, hence, insufficient evidence of title, because the real Pangilaman was already dead when the Deed of Absolute Sale was notarized in 2006.⁴²

After citing Mandas' testimony that the real Pangilaman had already died in 2001, the Court of Appeals held that the Salendab Spouses failed to prove the death of the registered owner, Pangilaman. The Court of Appeals pointed out that Mandas did not present any documentary evidence, such as a certificate of live birth, to prove that he was indeed the son of Pangilaman. Likewise, the Court of Appeals found the testimony of Hadja Jolly as "self-serving"⁴³ because she did not present any proof that the Pangilaman who signed the Deed of Absolute Sale was the Pangilaman named in OCT No. V-18036.⁴⁴

As to the issue of the identity of Alias Pangilaman, the Court of Appeals favorably alluded to the documents allegedly presented by Alias Pangilaman before Legal Officer Yusoph, namely: (1) a photocopy of NBI clearance bearing the name "Mamasapalao Pangilaman"; (2) the Voter's Identification Card issued by the Commission on Elections in Shariff Aguak; (3) a copy of the official receipt of the realty taxes paid for the Cotabato property; and (4) a newspaper clip and certification of publication of the

³⁹ Id. at 311-312.

⁴⁰ Id. at 76-91.

⁴¹ Id. at 86, citing *Tigno v. Aquino*, 486 Phil. 254 (2004) [Per J. Tinga, Second Division].

⁴² Id. at 86-87.

⁴³ Id. at 87.

⁴⁴ Id. at 87-88.

Extra-judicial Settlement of the Estate of Coqas Compana, the wife of Pangilaman.⁴⁵

Lastly, the Court of Appeals said that the Salendab Spouses should have presented Abutazil as a witness, because her testimony was “very crucial to uncover the identity of Pangilaman.”⁴⁶ It added that they should have also presented Hadja Mariam Cristie Kumpa to verify that she indeed facilitated the sale between the Spouses Salendab and the real Mamasapalao Pangilaman.⁴⁷

The dispositive portion of the Court of Appeals’ August 31, 2016 Decision reads:

WHEREFORE, the appeal is hereby GRANTED. The assailed Decision dated November 26, 2013 of the Regional Trial Court, Branch 24, Midsayap, Cotabato is REVERSED. The Complaint in Civil Case No. 07-023 is DISMISSED for lack of merit.

SO ORDERED.⁴⁸

The Salendab Spouses filed a Motion for Reconsideration,⁴⁹ which the Court of Appeals denied in its January 31, 2017 Resolution.⁵⁰

On April 19, 2017, the Salendab Spouses filed their Petition for Review on Certiorari.⁵¹ Upon the directive of this Court,⁵² Respondents Alias Pangilaman and the Provincial Agrarian Reform Officer of the Province of Cotabato filed their respective Comments,⁵³ to which petitioners replied.⁵⁴ As for respondent Land Bank, it manifested⁵⁵ that it will not file a comment for being a mere nominal party, and this Court noted Land Bank’s Manifestation.⁵⁶

Petitioners maintain that the April 4, 2000 Deed of Absolute Sale sufficiently proved their equitable title to the Cotabato property. Though unnotarized, the Deed of Absolute Sale remained valid, considering that contracts are obligatory in whatever form they may have been entered into. In any case, one of the witnesses to the signing of the Deed of Absolute Sale,

⁴⁵ Id. at 88–89.

⁴⁶ Id. at 89.

⁴⁷ Id. at 89–90.

⁴⁸ Id. at 90.

⁴⁹ Id. at 92–117.

⁵⁰ Id. at 119–121.

⁵¹ Id. at 31–71.

⁵² Id. at 382.

⁵³ Id. at 423–435 and 438–445.

⁵⁴ Id. at 470–476.

⁵⁵ Id. at 383–387.

⁵⁶ Id. at 463–464.

Mandas, confirmed its due execution and authenticity.⁵⁷

Petitioners emphasize how the Court of Appeals contradicted itself when it said that notarization of the deed of sale was inessential for its validity, yet, in the same vein, it held that the Deed of Sale was insufficient evidence of title because it was not validly notarized. At any rate, petitioners maintain that the real Pangilaman sold them the Cotabato property in 2000, as testified to no less by Pangilaman's son, Mandas.⁵⁸

Petitioners assert that private respondent claiming the proceeds of the voluntary offer to sell the Cotabato property is an impostor, the real Pangilaman having died in 2001. Mandas confirmed his father's death on the stand. While no death certificate of Pangilaman was presented in court, petitioners submit that "it is not common practice among old Muslims. . . to file their records with the civil registry."⁵⁹ It is the same reason why Mandas could not present a birth certificate as evidence of his filiation to Pangilaman.⁶⁰

Petitioners maintain that private respondent is actually "Musaik Alab." They refer to the summons served by Sheriff Alonzo on private respondent, where the latter thumb marked the summons as "Musaik Alab." Sheriff Alonzo also confirmed on the stand that when he asked private respondent his real name, the person answered "Musaik Alab".⁶¹

Even witness Legal Officer Yusoph corroborated that private respondent is actually Musaik Alab. When shown a photograph of the person on whom Sheriff Alonzo served the summons, Legal Officer Yusoph confirmed on the stand that the person on the photo was the same person who appeared before him as private respondent.⁶²

As for Legal Officer Boston, she admitted in court that private respondent never appeared during the processing of the voluntary offer to sell. It was all commenced by Abutazil, which confirms Hadja Jolly's allegation that she commissioned the services of Abutazil to sell the Cotabato property to the government voluntarily.⁶³

Petitioners contend that the Court of Appeals committed grave error when it relied on pieces of evidence that were not presented, offered, and admitted in court. The NBI clearance, Voter's Identification Card, realty tax receipt, and newspaper clip, and certificate of publication – all relied on by

⁵⁷ Id. at 56–57.

⁵⁸ Id. at 49.

⁵⁹ Id. at 56–60.

⁶⁰ Id. at 47–51.

⁶¹ Id. at 49–51.

⁶² Id.

⁶³ Id. at 62–63.

the Court of Appeals to conclude that private respondent is the registered owner Pangilaman – were merely mentioned in the Investigation Report prepared by Legal Officer Yusoph. None of these pieces of evidence was offered, much less presented in court. Under Rule 132, Section 34⁶⁴ of the Rules of Court, these pieces of evidence should not have been considered by the Court of Appeals. Petitioners contend that they were denied due process when they were deprived of the opportunity to controvert these pieces of evidence.⁶⁵

Countering petitioners, private respondent mainly contends that all of the issues raised by petitioners are factual issues not proper in a petition for review on certiorari.⁶⁶ In any case, private respondent argues that the Court of Appeals' findings of fact were correct, heavily citing portions of the Court of Appeals' Decision to bolster his claim.⁶⁷

As for public respondent Provincial Agrarian Reform Officer Abella, he highlights how he is a mere nominal party to the case; hence, "he finds it proper to leave to the private litigants the arguments regarding the contentious issues brought up by both parties *vis-a-vis* their conflicting claims over [the Cotabato property[.]]"⁶⁸

Nevertheless, public respondent maintains that during their hearing of the complaint for suspension of voluntary offer to sell proceedings, petitioners failed to offer documentary evidence to prove that Pangilaman had already died in 2001. This, compared to the pieces of evidence allegedly presented by Pangilaman before the Department of Agrarian Reform, constrained him to dismiss petitioners' complaint for suspension and proceed with processing the Cotabato property for agrarian reform coverage.⁶⁹

He adds that the agrarian reform proceedings involving the Cotabato property should be accorded the presumption of regularity. Even assuming that Abutazil, allegedly a known fixer in the Department of Agrarian Reform, had the Cotabato property processed, this should be found reasonable considering that private respondent was already too old to have the property processed himself.⁷⁰

The issues for this Court's resolution are:

⁶⁴ RULES OF COURT, Rule 132, Sec. 34 provides:
Section 34. *Offer of evidence.* — The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

⁶⁵ *Rollo*, pp. 41–54.

⁶⁶ *Id.* at 426–433.

⁶⁷ *Id.*

⁶⁸ *Id.* at 439.

⁶⁹ *Id.* at 441–442.

⁷⁰ *Id.* at 444.

First, whether or not this Court can review the trial court's factual findings and the Court of Appeals.

Second, whether or not petitioner Spouses Datu Camaro Salendab and Hadja Jolly Salendab sufficiently proved their case for quieting of title. Subsumed in this issue are: (a) whether or not they have sufficiently proved their legal or equitable title to the property; and (b) whether or not private respondent One Alias Mamasapalao Pangilaman's claim to the voluntary-offer-to-sell proceeds casts a cloud on their title.

The Petition for Review on Certiorari is granted.

I

We agree with private respondent that the questions raised by petitioners in their Petition for Review on Certiorari are mainly questions of fact. The issues raised – whether or not One Alias Mamasapalao Pangilaman is an impostor; and whether or not the registered owner Mamasapalao Pangilaman is already dead – obviously require this Court to review “the truthfulness or falsity of the allegations of the parties.”⁷¹ Resolving the Petition for Review on Certiorari includes an “assessment of the probative value of the evidence presented.”⁷² This Court will generally not take cognizance of factual issues since it is not a trier of facts.⁷³

However, as with any general rule, there are recognized exceptions, two of which are present in this case. These exceptions, as outlined in *Pascual v. Burgos*,⁷⁴ are 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.⁷⁵

⁷¹ *Pascual v. Burgos*, 776 Phil. 167, 183 (2016) [Per J. Leonen, Second Division].

⁷² *Id.*

⁷³ *Id.* at 182.

⁷⁴ 776 Phil. 167 (2016) [Per J. Leonen, Second Division].

⁷⁵ *Id.* at 182–183, citing *Medina v. Mayor Asistio, Jr.*, 269 Phil. 225 (1990) [Per J. Bidin, Third Division].

Here, the findings of fact of the trial court and the Court of Appeals as to the identity of private respondent and the death of the real Pangilaman are conflicting. Similarly, the finding of the Court of Appeals as to the existence of equitable title of petitioners to the Cotabato property is diametrically opposed to that of the trial court.

For these reasons, we will take cognizance of the Petitioners' Petition for Review on Certiorari, despite the Petition raising questions of fact.

II

Articles 476 and 477 of the Civil Code on quieting of title state:

ARTICLE 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

ARTICLE 477. The plaintiff must have legal or equitable title to, or interest in the real property which is the subject-matter of the action. He need not be in possession of said property.

An action for quieting of title allows the plaintiff to have a "cloud" on his or her title to real property removed. Based on Articles 476 and 477, there are two requisites for filing an action for quieting of title. First is the plaintiff's legal or equitable title or interest in the real property subject of the action. Second is the showing that the deed, claim, encumbrance, or proceeding claimed to be casting cloud on the title is in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.⁷⁶

On the requirement of title to real property, it may be either legal or equitable. "Legal title denotes registered ownership,"⁷⁷ whereas "equitable title means beneficial ownership, meaning, a title derived through a valid contract or relation, and based on recognized equitable principles."⁷⁸

We find that the two requisites for filing a quieting of title action are present in this case.

⁷⁶ *Spouses Caldito v. Obado, et al.*, 804 Phil. 478, 487 (2017) [Per J. Reyes, Third Division].

⁷⁷ *Salvador, et al. v. Patricia, Inc.*, 799 Phil. 116, 134 (2016) [Per J. Bersamin, First Division].

⁷⁸ *Id.* at 135.

II (A)

As to the first requisite, petitioners' pieces of evidence sufficiently proved that they have equitable title to the Cotabato property, deriving it from a valid contract of sale between them and Pangilaman. This contract was reduced into writing in the April 4, 2000 Deed of Absolute Sale, the due execution and authenticity of which was confirmed on the stand by Mandas, one of the witnesses who signed the Deed of Absolute Sale.

The Court of Appeals erred in not finding the Deed of Absolute Sale sufficient evidence of title just because it was "invalidly notarized."⁷⁹ It is true that under Article 1358⁸⁰ of the Civil Code, contracts that have for their object the transmission of real rights over immovable property "must appear in a public document," *i.e.*, they must be notarized. However, as has been consistently held by this Court, the rule in Article 1358 is only for convenience, not for validity or enforceability.⁸¹

This convenience, in particular, is doing away with authenticating notarized documents in court. Being a public document, a notarized document need not be authenticated in court. The certificate of acknowledgment before the notary, which is "*prima facie* evidence of the execution of the instrument or document,"⁸² will suffice. In contrast, before they may be offered as authentic, unnotarized documents have to be authenticated either by someone who saw the document executed or written; or by showing evidence of the genuineness of the signature or handwriting of the maker.⁸³

It is undisputed that the April 4, 2000 Deed of Absolute Sale was unnotarized, and its belated notarization in 2006 did not convert it into a public document. Since petitioners claim that Pangilaman had already died in 2001, there was no way he could have possibly acknowledged before the notary public his selling of the Cotabato property to the petitioners.

⁷⁹ *Rep. of the Phils. v. Hon. Mangotara*, 638 Phil. 353, (2010) [Per J. Leonardo-De Castro, First Division]

⁸⁰ CIVIL CODE, Article 1358(1) provides:

Article 1358. The following must appear in a public document:

(1) Acts and contracts which have for their object the creation, transmission, modification or extinguishment of real rights over immovable property; sales of real property or of an interest therein are governed by articles 1403, No. 2, and 1405;

⁸¹ *Tigno v. Spouses Aquino*, 486 Phil. 254, 268 (2004) [Per J. Tinga, Second Division], *citing Republic v. Sandiganbayan*, 297 Phil. 348 (1993) [Per J. Melo, En Banc]; *Agasen v. Court of Appeals*, 382 Phil. 391 (2000), [Per J. Ynares-Santiago, First Division]; *Tapac v. Court of Appeals*, 307 Phil. 771 (1994) Per J. Davide Jr., First Division]; and *Hawaiian Philippine Co. v. Hernaez*, 45 Phil. 746 (1924) [Per J. Malcom, First Division].

⁸² RULES OF COURT, Rule 132, sec. 30.

⁸³ RULES OF COURT, Rule 132, sec. 30 provides:

Section 20. *Proof of private document.* — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

- (a) By anyone who saw the document executed or written; or
- (b) By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be.

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The belated notarization of the Deed of Absolute Sale, however, did not invalidate the contract of sale. All it meant was that the Deed of Absolute Sale remained a private document. In addition, as a private document, it must first be authenticated in court before it is admitted in evidence. This is exactly what happened here when one of the witnesses to the sale, Mandas, testified on the due execution and authenticity of the April 4, 2000 Deed of Absolute Sale. The trial court observed firsthand that Mandas “clearly described [at the witness stand] the circumstances surrounding the execution of the Deed of Absolute Sale in Buluan, Maguindanao.”⁸⁴

The Court of Appeals likewise erred in heavily relying on Mandas’ failure to present documentary proof of filiation to Pangilaman as evidence of petitioners’ absence of title. This lack of evidence of filiation does not disprove that Mandas witnessed the execution of the Deed of Absolute Sale. Consequently, the trial court did not err in giving credence to Mandas’ testimony as to the due execution and genuineness of the Deed of Absolute Sale.

Petitioners having discharged its burden of proving its equitable title to the Cotabato property, the burden of evidence shifted to private respondent to prove that the Deed of Absolute Sale was a sham. He could have presented evidence that he could not have executed the Deed of Absolute Sale in 2000. Instead, he did not attend any of the court hearings. His counsel likewise failed to submit the required judicial affidavits of his witnesses despite receipt of order from the trial court.

Even if we consider the documents allegedly presented by private respondent during the investigation of Legal Officer Yusoph, these pieces of evidence do not disprove that Pangilaman executed the April 4, 2000 Deed of Absolute Sale. All they prove, at best, is that he is the Pangilaman whose name appears in OCT No. V-18036. In other words, the NBI clearance, the Voter’s Identification Card, the copies of the realty tax receipts, and the news clip and certificate of publication are not inconsistent with Pangilaman selling the property in 2000. We thus quote with approval the trial court’s statements:

While herein private defendant Alias One Mamasapalao Pangilaman alleged in his answer to the complaint that he never sold his property to the herein plaintiffs, no evidence, whatsoever, was presented by him in Court to substantiate his claim. So that, absent any evidence showing, or that would tend to show even scantily, that the Deed of Sale is fake or a forged document, the Court cannot do otherwise but take the same as it is – an evidence in writing that indeed Mamasapalao Pangilaman, the registered owner of the subject land, has sold, ceded, and transferred his rights of ownership thereto to the herein plaintiff-spouses. By reason of the said sale, plaintiffs-spouses had acquired equitable title to

⁸⁴ *Rollo*, p. 305.

the property in question.⁸⁵

All told, by a preponderance of evidence, petitioners sufficiently established their equitable title to the Cotabato property.

II (B)

As with the first requisite, petitioners likewise proved the second requisite for filing an action for quieting of title. Private respondent's claim to the proceeds of the voluntary sale of the Cotabato property to the government is definitely a cloud on the Salendab Spouses' title.

The claim of private respondent to the proceeds of the voluntary sale appears valid, especially since he has allegedly shown proof before the Department of Agrarian Reform Legal Officer Yusoph that he is Pangilaman, the owner of the property covered by OCT No. V-18036.

However, as just discussed, this claim is invalid. As evidenced by the April 4, 2000 Deed of Absolute Sale, private respondent had already ceded the property's ownership to petitioners. Therefore, he had no right to claim the proceeds of the voluntary sale of the Cotabato property to the government.

Furthermore, we agree that private respondent is not the Pangilaman under OCT No. V-18036. As testified to by Sheriff Alonzo, private respondent received the summons as "Musaik Alab," his real name. If it were true that private respondent's real name is "Mamasapalao Pangilaman," he should have signed the summons under that name, especially since the disputed Cotabato property is registered under "Mamasapalao Pangilaman."

There was also no reason for the Court of Appeals to discredit Mandas' testimony that he is the son of the real Pangilaman and that his father died in 2001. His testimony that he is the son of Pangilaman was never disputed during cross-examination, and neither was any contradictory evidence presented in court.

In any case, the real issue here revolves around the due execution and genuineness of the Deed of Absolute Sale, which, as discussed, petitioners have sufficiently established. We believe that when the Cotabato property came under agrarian reform coverage, the Cotabato property was already owned by petitioners by virtue of the contract of sale they had entered into with Pangilaman. As testified to by petitioners, we also believe that they requested Abutazil to have OCT No. V-18036 processed under the Voluntary

⁸⁵ Id. at 306.

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Offer to Sell program of the government. Petitioner Hadja Jolly's testimony was corroborated by Legal Officer Boston, notably a witness for the opposing party, who testified that respondent never appeared during the processing of the Voluntary Offer to Sell. The proceedings were commenced by a fixer Abutazil.

The inescapable conclusion is that Pangilaman already ceded his title to the Cotabato property to petitioners. Therefore, he has no right to claim the proceeds of the voluntary sale of the property covered by OCT No. V-18036 to the government under the agrarian reform program. His claim to the proceeds cast a cloud on the title of petitioners to the Cotabato property, a cloud which they have a right to have removed.

WHEREFORE, the Petition for Review on Certiorari is **GRANTED**. The August 31, 2016 Decision and January 31, 2017 Resolution of the Court of Appeals in CA-G.R. CV No. 03508-MIN are **REVERSED** and **SET ASIDE**. The Decision of the Regional Trial Court, Branch 24, Midsayap, Cotabato City is **REINSTATED**.

Petitioners Spouses Datu Camaro Salendab and Hadja Jolly Salendab are hereby **DECLARED** the lawful owners of the lot covered by Original Certificate of Title No. V-18036 by virtue of a Deed of Sale executed in their favor by Mamasapalao Pangilaman on April 4, 2000.

Furthermore, the Manager of Land Bank of the Philippines, Koronadal City Branch is **ORDERED** to release the proceeds of the voluntary sale of the lot covered by Original Certificate of Title No. V-18036 to the Spouses Datu Camaro Salendab and Hadja Jolly Salendab.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

27 DEC 2022

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