



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 8, 2023**, which reads as follows:*

G.R. No. 222891 – Santiago Malabuyo, Wilhelmina Roque and Magdalena Laceda, petitioners, versus Alegrio Solicito, Diogenes Vivo and Carolina V. Gutierrez, respondents.

At the outset, the present Petition¹ is fatally flawed. It primarily seeks the overturning of the uniform findings of fact of both the Regional Trial Court² (RTC) and the Court of Appeals³ (CA). As clearly provided in Section 1, Rule 45 of the Rules of Court, the petition shall raise only questions of law which must be distinctly set forth. The Court, not being a trier of facts, must yield to the uniform factual findings of the lower courts. Besides, the Court finds no cogent reason to disturb them.

As correctly found by both lower courts, petitioners failed to substantiate their claim of ownership over the disputed land by prescription. Aside from the certificates of live birth of their children, petitioners have not presented any clear proof of their purported actual, open, continuous, and adverse possession of the subject land that would entitle them ownership thereof by acquisitive prescription. The “*Kasulatan ng Pag-uupa*” entered between respondent Diogenes Vivo and petitioner Magdalena Laceda dated February 14, 1984 (Exh. “2”) and petitioner Santiago Malabuyo dated June 21, 1984 (Exh. “3”) are even inconsistent with petitioners’ claim of ownership. Besides, as proscribed under Section 47 of Presidential Decree No.

¹ *Rollo*, pp. 7 to 19-A.

² See Decision dated October 24, 2011 of the RTC of Muntinlupa City, Branch 203 in Civil Case No. 03-132, penned by Presiding Judge Myra B. Quiambao; *id.* at 69-77.

³ See Decision dated June 29, 2015 and Resolution dated February 4, 2016 of the CA First (1st) Division and Former First (1st) Division, respectively, in CA-G.R. CV No. 98154, both penned by Associate Justice Ramon A. Cruz and concurred in by Presiding Justice Andres B. Reyes, Jr. and Associate Justice Marlene Gonzales-Sison; *id.* at 20-33.

1529, no title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession.⁴

As to the alleged fraud committed by respondents in obtaining their Transfer Certificate of Title (TCT) No. S-55216, the purported discrepancy in the number of the decree indicated therein and in its predecessor title, Original Certificate of Title (OCT) No. 684, both lower courts are unanimous in their finding that petitioners' own witness, Eduardo A. Santos, Jr., the records officer of the Land Registration Authority who testified, negated the attendance of fraud in securing the questioned certificates of title and explained that what transpired was merely typographical error. Since petitioners failed to present any countervailing evidence to destroy the indefeasibility of OCT No. 684 and TCT No. S-55216, their validity cannot be overturned.⁵

The earlier Motion for Extension of Time to File Petition⁶ filed by petitioners is granted.

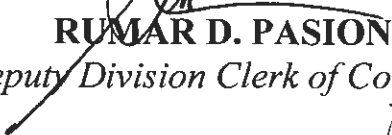
WHEREFORE, the instant Petition is **DENIED**. The Decision dated June 29, 2015 and Resolution dated February 4, 2016 of the Court of Appeals in CA-G.R. CV No. 98154 are **AFFIRMED**.

SO ORDERED.

By authority of the Court:

MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

By:


RUMAR D. PASION
Deputy Division Clerk of Court
02-10-23

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⁴ See *rollo*, pp. 72-73.

⁵ *Id.* at 27-28, 74-76.

⁶ *Id.* at 3-5.


The Presiding Judge
REGIONAL TRIAL COURT
Branch 203, Muntinlupa City
(Civil Case No. 03-132)

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