

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**ABUNDIA ESPINA,
*Petitioner,***

-versus-

**G.R. No. 102128
November 6, 1992**

**COURT OF APPEALS, DEMETRIA
VILAS VDA. DE PINILI, ALFONSO
ARTUS and AGUSTINA DELA RIANTE,
*Respondents.***

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D E C I S I O N

BELLOSILLO, J.:

This is a Petition to Review on *Certiorari* the Decision^[1] of the Court of Appeals affirming that of the Regional Trial Court of Dumaguete City which dismissed petitioner's action for reconveyance against private respondents.

The property in dispute is a 744-square meter lot which is a portion of Lot 2723 of the Dumaguete Cadastre, situated at Taclobo, Dumaguete City, registered on 27 October 1922 in the name of Rufina Lazaga under Original Certificate of Title No. 66-A. On 16 February 1939, Geronimo Pinili, deceased husband of private respondent Demetria Vilas Vda. de Pinili, acquired one-half (1/2) of said Lot 2723, which

contained a total area of 2,402 square meters, as evidenced by TCT No. T-5448 issued in his name,^[2] while the other half was purchased by a certain Alfonso Artus. The 744-square meter lot in dispute is part of the portion now owned by private respondents.

Petitioner now seeks the reconveyance of the disputed lot as she alleges that the property is owned by her mother, Maria Lazaga, she had it declared in her name in 1915 for taxation purposes, and that she and her mother have been in the peaceful and public possession and enjoyment thereof. She asserts that by means of deceit and fraud, the disputed property was included and made part of Lot 2723 and subsequently registered in the name of Rufina Lazaga under OCT No. 66-A. Petitioner claims that she discovered the fraud only sometime in 1985 when private respondents required her tenants to pay rentals to them.

Private respondents in turn maintain that they are the owners of the land in dispute, which is registered in their names under TCT No. T-1365^[3] and that petitioner's predecessor-in-interest, Maria Lazaga, does not even appear to be a survey claimant in Lot 2723 in the 1918 cadastral proceedings.

In affirming the judgment of the trial court, the respondent appellate court held —

“It appears that the land was the subject of cadastral proceedings (Case No. 2, G. L. R. O. Cad. Rec. No. 141) held way back in 1918, but Maria Lazaga did not file an answer to claim any interest in the land as required by Act No. 2259, sec. 9. The proceedings are in rem and, therefore, plaintiff-appellant's predecessor-in-interest could not have been unaware of them. Yet Maria Lasaga never saw fit to intervene. It would defeat the purpose for instituting cadastral proceedings if after several years (in this case 63 years) a party could still claim ownership of a land adjudicated in those proceedings to another party.

“But plaintiff-appellant claims that her predecessor-in-interest, Maria Lazaga, was in possession of the 744 square meters of land in dispute since 1914 until her death. The claim is based on a tax declaration (TD No. 7713) for 1915, allegedly covering the

land in question. This tax declaration (Exh. 'F'), however, appears to cover a different land with an area of 320 square meters, whereas later tax declarations, which according to plaintiff-appellant superseded this tax declaration, cover a land area of 744 square meters. And indeed plaintiff-appellant is seeking the reconveyance to her of a piece of land with an area of 744 square meters. Moreover, the owners of adjoining properties, serving as the boundaries of the land in question, are not only different from the owners mentioned in the later tax declarations (Exhs. 'A', 'B', 'C', 'D' and 'E') but the areas of their lands are likewise different."^[4]

Petitioner assails respondent appellate court for going beyond the issues raised in the briefs of the parties, and against their admissions as well as the findings of fact of the trial court. She claims that private respondents did not raise as issue before the appellate court whether the tax declarations marked Exhs. "A" to "F", inclusive, were those pertaining to the land in controversy, and that the presentation of these tax declarations, which were in fact admitted by the trial court, was never opposed by private respondents. She also contends that respondent appellate court misapprehended or distorted the facts when it ruled that the tax declarations offered by petitioner-pertained to a different parcel of land. It is her position that tax declarations marked as Exhs. "A", "B", "C", "D" and "E" were consecutively issued from 19 November 1914 up to the year 1980, and the same consistently reflected the name of her predecessor-in-interest, Maria Lazaga, as well as the adjacent areas and boundary owners of the property.

A careful study of the petition reveals that it raises factual issues which this Court could have dismissed outright under Rule 45 of the Rules of Court. But We brushed aside technicalities and gave due course to the petition if only to be satisfied that respondent Court of Appeals did not, contrary to the petition, misapprehend the facts.

We have scrutinized the records and We sustain the decision of respondent Court of Appeals when it held that the 1915 tax declaration of petitioner, Exh. "F", pertains to a parcel of land with an area of 320 square meters, different from that belonging to private respondents. The later tax declarations,^[5] which petitioner claims to

have superseded the 1915 tax declaration, cover a parcel of land with an area of 744 square meters. Significantly, the adjoining owners and their respective areas appearing in the 1915 tax declaration are likewise different. In the 1915 tax declaration, the adjoining owners are Mauricio Larena, Gaudencia Laraga, Rufina Laraga and Mateo Lorico; in the later tax declarations, the adjoining owners are Protacio Lazalita, Catalina Lazaga, Rufina Lazaga and Clara Lorico.

It may be worth stressing that Lot 2723 was the subject of cadastral proceedings in 1918.^[6] However, petitioner's predecessor-in-interest, Maria Lazaga, did not intervene to claim an interest as required by Act No. 2259, as amended, otherwise known as the Cadastral Act. Such proceedings being in rem are thus binding upon the whole world.

As regards petitioner's contention that the Court of Appeals considered grounds other than those touched upon in the decision of the trial court, it is settled that the appellate court may uphold the judgment of a lower court on grounds other than those relied upon by the trial court.^[7] In fact, even if issues are not formally and specifically raised on appeal, they may nevertheless be considered as long as they are closely related to the error properly assigned or upon which the determination of the question raised by the error properly assigned is dependent.^[8] The Court of Appeals, in the case before Us, can hardly be said to have treated issues not brought before the court a quo. What the appellate court merely did was to make a strict scrutiny of the evidence on record, and that its ruling that petitioner's Exh. "F" pertains to a different land does not mean it violated the principle that an issue which has not been raised in the court a quo cannot be raised for the first time on appeal. Simply put, all that respondent Court of Appeals did was to take into account a ground or issue closely related to or intimately interwoven with the error properly assigned.

WHEREFORE, the petition for review is **DENIED** for lack of merit. Costs against petitioner.

SO ORDERED.

Cruz, Padilla and Griño-Aquino, JJ., concur.

Medialdea, J., on leave.

- [1] Penned by Justice Vicente V. Mendoza, concurred in by Justice Oscar M. Herrera and Justice Alicia V. Sempio Diy.
- [2] Exh. "2".
- [3] Exh. "3".
- [4] CA Decision, pp. 4-5; Rollo, pp. 21-22.
- [5] Exhs. "A" to "E", inclusive.
- [6] Case No. 2, G.L.R.O. Cad. Rec. No. 141.
- [7] Vda. de Carillo vs. de Paz, No. L-22601, 28 October 1966, 18 SCRA 467, citing Valdez vs. Tuason, 40 Phil. 943 (1920).
- [8] Roman Catholic Archbishop vs. Court of Appeals, G.R. Nos. 77425 and 77450, 19 June 1991; 198 SCRA 300.