



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 27, 2020 which reads as follows:

“G.R. No. 236415 – MACTAN-CEBU INTERNATIONAL AIRPORT AUTHORITY AND ATTY. ALFONSO U. ALLERE, petitioners, versus HEIRS OF MANUEL COSEP AND SILVERIA OMPAD, NAMELY: LUCIANO COSEP, RUTH C. NAVAL, ELLEN C. VILLARIAS, NATHANIEL COSEP, ANNIE C. CABALLERO, LYDIA C. GAYUMA, LILIA C. EROA, ELIEZER COSEP, EULALIO COSEP, JR., ESTHER C. SHERWOOD, AND RACHEL COSEP, respondents.

The petitioners raised a question regarding the Regional Trial Court (RTC) and Court of Appeals’ (CA) appreciation of the evidence as to the rightful ownership of the lots which is one of fact and is beyond the ambit of this Court’s jurisdiction in a petition for review on *certiorari*. It is not this Court’s task to go over the proofs presented below to ascertain if they were appreciated and weighed correctly, most especially when the RTC and the CA speak as one in their findings and conclusions.¹ While it is widely held that this rule of limited jurisdiction admits of exceptions, none exists in the instant

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55-A1

¹ *Gatan, et al. v. Vinarao, et al.*, 820 Phil. 257, 265 (2017); *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza, et al.*, 810 Phil. 172, 177-178 (2017); and *Bacsasar v. Civil Service Commission*, 596 Phil. 858, 865 (2009).

case.² At any rate, the petitioners failed to sufficiently show any reversible error on the part of the CA in affirming the RTC's findings.

First, there is preponderant evidence that Manuel and Silveria are the original owners of the lots by virtue of Land Registration Decree Nos. 459480 and 459490. The petitioners even admitted such fact. Similarly, the respondents' status as legal heirs of Manuel and Silveria is undisputed. The respondents acquired ownership of the lots through succession.³ Second, the transactions over the lots involving the supposed third persons was unsubstantiated.⁴ Third, Civil Aeronautics Administration (CAA) is a buyer in bad faith. It did not observe prudence in examining the rights of the supposed vendors of the lots. The CAA should have been circumspect considering that the lots were transferred through a series of sales.⁵ Fourth, the respondents cannot be considered as trustees of the certificates of title for the benefit of CAA. Suffice it to say that the respondents are not privies to the alleged transactions of third persons over the lots and are not bound by such stipulations pursuant to the principle of relativity of contracts.⁶ Fifth, the respondents are not precluded by laches in invoking their rights. The respondents' parents moved to Mindanao because of the war and they grew up unaware of Manuel and Silveria's estate. Hence, the delay in asserting their claim of ownership is justified. In any event, the respondents immediately initiated legal proceedings to protect their interest over the lots which belies the notion that they abandoned their rights.⁷

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55-A1

² The recognized exceptions are: (a) When the findings are grounded entirely on speculation, surmises, or conjectures; (b) When the inference made is manifestly mistaken, absurd, or impossible; (c) When there is grave abuse of discretion; (d) When the judgment is based on a misapprehension of facts; (e) When the findings of facts are conflicting; (f) When in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (g) When the CA's findings are contrary to those by the trial court; (h) When the findings are conclusions without citation of specific evidence on which they are based; (i) When the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent; (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. See *Navaja v. de Castro, et al.*, 761 Phil. 142, 155 (2015).

³ *Rollo*, pp. 42 and 45.

⁴ The petitioners' allegation that Manuel and Silveria sold Lot No. 2763 to Teresa, who subsequently sold it to Corazon, was not proven by any deed or contract of sale. As such, Corazon could not have validly conveyed it to the CAA. Also, the petitioners failed to establish that Lot No. 2828 was sold to Perfecto. The petitioners only presented a handwritten document, which could not be admitted as evidence because its due execution and authenticity as a private document were not testified on by a witness during trial in violation of Rule 132, Section 20 of the Rules of Court.

⁵ *Rollo*, p. 47.

⁶ *Id.* at 49-50.

⁷ *Id.* at 51-52.

Likewise, the CA correctly deleted the award of attorney's fees and litigation expenses. It bears emphasis that petitioners were also asserting their claims based on a genuine belief that they have valid titles to the lots. The petitioners were just reasonably protecting their interest inasmuch as the respondents did. Absent any factual, legal, or equitable basis, the award of attorney's fees and litigation expenses is unwarranted.⁸

Finally, jurisprudence dictates that an action to recover the possession filed by a landowner against a public utility corporation, vested with the power of eminent domain and has occupied the land for public service without prior acquisition of title thereto by negotiated purchase or expropriation proceedings, will not prosper.⁹ Insofar as the landowner is concerned, public policy, public necessity, and equitable estoppel render the remedies of ejectment and injunction futile.¹⁰ The landowner cannot judicially compel the public utility corporation to vacate the land in question.¹¹

Accordingly, this Court finds it impractical to alternatively order the petitioners to vacate the lots and surrender their possession to the respondents. Mactan-Cebu International Airport Authority (MCIAA) is a public utility corporation created under Republic Act No. 6958, otherwise known as the Charter of the Mactan-Cebu International Airport Authority, and is expressly granted the power of eminent domain in the pursuit of its purposes and objectives.¹² Moreover, the records reveal that the lots have already been devoted to a public purpose as part of the airport runway.¹³ Hence, the payment of just compensation is proper.¹⁴

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated May 31, 2017 in CA-G.R. CV No. 04999 is **AFFIRMED** with **MODIFICATION** in that the alternative Order for the petitioners to vacate the lots and surrender their possession to the respondents is **DELETED**. The case is **REMANDED** to the court of origin for the proper determination of just compensation with dispatch.

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55-A1

⁸ *PNCC v. APAC Marketing Corp.*, 710 Phil. 389, 396 (2013).

⁹ *National Transmission Corporation v. Bermuda Development Corporation*, G.R. No. 214782, April 3, 2019.

¹⁰ *Id.*

¹¹ *Id.*

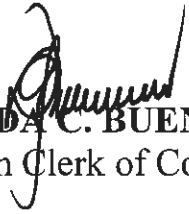
¹² Sec. 4. (f); approved on July 31, 1990.

¹³ *Rollo*, p. 132.

¹⁴ See *National Transmission Corporation v. Bermuda Development Corporation*, *supra*.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *8/27/20*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals
6000 Cebu City
(CA-G.R. CV No. 04999)

BARBA & ASSOCIATES LAW OFFICE
Counsel for Respondents
Luna-Velez Streets
9000 Cagayan de Oro City

The Hon. Presiding Judge
Regional Trial Court, Branch 53
Lapu-Lapu City, 6015 Cebu
(Civil Case No. 5297-L)

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