

Title:

****Gerardo Mendoza et al. vs. Soledad Salinas: A Philippine Supreme Court Decision on the Issuance of Writ of Possession in Land Registration Cases****

Facts:

Soledad Salinas sought registration over a parcel of land situated in Barrio of Barretto, Olongapo City. Following the RTC's favorable judgment in November 1998 and the issuance of Original Certificate of Title No. P-10053 in Salinas's name, she applied for a writ of possession. The Mendoza family opposed this application, claiming possession of the property since 1964, supported by documentary evidence. The RTC dismissed their opposition and granted Salinas's application, leading the Mendozas to file a petition for review on certiorari with the Supreme Court, challenging the RTC's decision.

Issues:

1. Whether the principle of hierarchy of courts applies in this case.
2. Whether the RTC, acting as a land registration court, correctly issued the writ of possession in favor of Salinas.
3. The appropriateness of a writ of possession against actual possessors claiming ownership.

Court's Decision:

1. ****Principle of Hierarchy of Courts:**** The Court clarified that the principle does not apply, as the petition raises only questions of law, making direct recourse to the Supreme Court proper under Rule 45 of the Rules of Court.
2. ****Issuance of Writ of Possession:**** The Supreme Court found that the RTC committed an error by issuing the writ of possession. It emphasized that while the land registration court's duty to issue a writ of possession is ministerial after a final judgment and issuance of a title, this duty does not extend against actual possessors under a claim of ownership.
3. ****Writ of Possession Against Actual Possessors:**** The Court held that actual possession under a claim of ownership raises a disputable presumption of ownership. Consequently, an owner must seek judicial action for recovery of property rather than a summary writ of possession.

Doctrine:

The Supreme Court reaffirmed that in land registration cases, the issuance of a writ of possession is a ministerial duty of the land registration court, which, however, does not extend to actual possessors claiming ownership. The proper recourse for the true owner

against actual possessors is through judicial processes, not through the issuance of a writ of possession.

Class Notes:

- **Hierarchy of Courts:** Direct appeal to the Supreme Court is proper when only questions of law are raised.
- **Writ of Possession:** A legal mechanism for transferring possession of a property, its issuance in land registration cases is ministerial post-judgment but is inapplicable against actual possessors claiming ownership.
- **Actual Possession Under Claim of Ownership:** Raises a disputable presumption of ownership necessitating judicial action for property recovery.
- **Relevant Legal Provision:** Article 433 of the Civil Code regarding the presumption of ownership through actual possession.

Historical Background:

This case emphasizes the delicate balance between the finality of land registration decisions and the protection of actual possessors' rights. It underscores the Supreme Court's role in interpreting procedural and substantive legal principles, particularly in land disputes, reflecting on broader themes of ownership, possession, and judicial processes in the Philippine legal system.