

HEIRS OF ALBERTO RADAM, NAMELY POLICRONIA RADAM-BACUEL AND NEMESIA RADAM-CAABAY, PLAINTIFFS-APPELLANTS, VS. AURELIA E. RADAM, DEFENDANT-APPELLEE.

Ponente: REYES-CARPIO, A., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/04d6000a71a1/>

REYES-CARPIO, A., J.:

This is an Appeal,[1] filed under Rule 41 of the 1997 Rules of Civil Procedure, seeking the reversal of the Order,[2] dated July 29, 2008, rendered by the Regional Trial Court of Puerto Princesa City, Branch 51 in Civil Case No. 4273 for Cancellation of Title and Recovery of Ownership of land with Damages.

The instant case stemmed from a Complaint,[3] filed by plaintiffs-appellants Policronia Radam-Bacuel and Nemesia Radam-Caabay on February 5, 2007. Plaintiffs-appellants alleged that they are sisters, being the daughters of Alberto C. Radam. Defendant-appellee, on the other hand, is Alberto's sister in law.

According to plaintiffs-appellants, Alberto acquired a parcel of land with an area of 20,000 square meters, introduced improvements and paid the taxes thereon prior to 1963. Upon Alberto's death in 1979, plaintiffs-appellants extrajudicially divided the land between themselves and paid the taxes covering the same, as shown by Tax Declaration No. 5243,[4] dated October 31, 2006.

They later discovered, however, that the property had already been registered and Original Certificate of Title No. E-12983[5] was issued on November 10, 1993 in the name of defendant-appellee. Plaintiffs-appellants claimed that the registration was fraudulent as defendant-appellee knew that her husband Felix Radam only borrowed the land from plaintiffs-appellants' father. As a result, they filed an Affidavit of Adverse Claim before the Office of the Provincial Register of Deeds which denied the registration of the same and advised them to file the instant action.

In turn, defendant-appellee filed a Motion to Dismiss[6] on the ground that the Complaint stated no cause of action. She explained that plaintiffs-appellants had no legal right over the said property. It was further argued that the complaint was filed beyond the one-year period provided by Presidential Decree No. 1520, otherwise known as the Property Registration Act.

After hearing, the trial court issued the assailed Order,[7] dated July 29, 2008, ruling that the complaint not only failed to state a cause of action but that plaintiffs-appellants failed to comply with the barangay conciliation procedure which was a condition precedent for the filing of the complaint, thus:

“A cursory reading of the allegations in the Complain (sic) filed by the plaintiff (sic) though shows (sic) that there is neither an allegations (sic) in the said Complaint that the plaintiff's (sic) cause of action including those in the prayer, that the plaintiff (sic) is (sic) asking for Reconveyance of Property by reason of extrinsic fraud. On the contrary, the remedy prayed for is one for Cancellation of Title, Recovery of Possession and Damages as contradistinguish (sic) from the remedy of Reconveyance of Real Property. Likewise there is neither any allegation that by reason of extrinsic fraud committed by the defendant, a relationship of trust between the parties is by law presumed which relation created an obligation on the part of the defendant to reconvey the

property to the plaintiff. It is of course assumed valid but by reason of fraud in the issuance of title said title is held in trust for the benefit of the true owner but in an action for cancellation of title on the other hand, the title is cancelled and the property returned to the mass of the public domain. Hence, cancellation of title by reason of fraud is the principal function and mandate of the government to initiate thru the Office of the Solicitor General. As it is, it was plaintiff (sic) himself (sic) who initiated the cancellation of the title to the property and not the Office of the Solicitor General in contradistinction with an action for reconveyance which he could have validly initiated by reason of fraud.

x x x

WHEREFORE, for failure to state valid causes of action and likewise for failure to comply with the Katarungang Pambarangay (PD 1529) and therefore finding the Motion to Dismiss to be impressed with merits (sic), as prayed for, let this case be as it is hereby ordered dismissed.

SO ORDERED.”[8]

Plaintiffs-appellants sought reconsideration of the above-quoted Order, arguing that the RTC mistakenly assumed that the action was one for cancellation of title when the “actual action filed is one for Cancellation of Title coupled with Recovery of Ownership of Land (not possession) with Damages).”[9] Plaintiffs-appellants argued that the complaint itself was sufficient in substance and stated a cause of action for recovery of ownership, cancellation of title and damages.

In a Resolution,[10] dated October 14, 2010, the RTC denied the Motion for Reconsideration on the ground that plaintiffs-appellants failed to set the hearing of the motion within ten (10) days after its filing as mandated by Rule 15, Section 4 of the 1997 Rules of Civil Procedure. The trial court noted that the hearing was set seventeen (17) days after the filing of the motion. It also stated that even if the trial court liberally applies such rules, the motion must still fail on its merits.

Hence, this appeal.

Plaintiffs-appellants raise the following errors:

- - THE COURT A QUO ERRED IN GRANTING THE MOTION TO DISMISS BY DEFENDANT-APPELLEE ON THE GROUND THAT THE COMPLAINT FAILED TO STATE VALID CAUSES OF ACTION

<li- the="" court="" a="" quo="" erred="" in="" ruling="" that="" plaintiff-appellants="" (sic)="" failed="" to="" comply="" with="" katarungang="" pambarangay="" (p.d.="" 1508)="" despite="" evidence="" contrary

- - THE COURT A QUO ERRED IN DENYING THE MOTION FOR RECONSIDERATION BY PLAINTIFF-APPELLANTS (sic) ON THE GROUND THAT THEY FAILED TO COMPLY WITH THE MANDATORY RULE THAT THE DATE OF THE HEARING OF A MOTION MUST NOT BE LATER THAN TEN (10) DAYS AFTER THE FILING OF THE MOTION.[11]

An examination of the errors raised by plaintiffs-appellants would reveal that all the issues in this case depend upon the substance of the complaint as the alleged non-compliance with the requirement of barangay conciliation and notice of hearing would be of no moment if the complaint is struck down.

In order to resolve the main issue of failure to state a cause of action, it becomes necessary to revisit the concept of cause of action, as defined by the Rules of Court.

Rule 2, Section 2 defines a cause of action as the act or omission by which a party violates the right of another. Hence, in order to have a valid cause of action, the following elements must concur: (1) a right of a party; (2) duty on the part of the defendant to respect such right; and (3) an act or omission of the defendant in violation of the

aforementioned right. Consequently, when a defendant seeks to dismiss a complaint on the ground of failure to state a cause of action, its sufficiency could only be determined by alleging the facts alleged in the complaint.[12] Considering the foregoing, this Court cannot rule on the instant appeal without going into the substance of the main case, pursuant to the ruling in *NM Rothschild & Sons (Australia) Limited vs. Lepanto Consolidated Mining Company*. [13]

Plaintiffs-appellants argue that they had a right over the subject property, having inherited the same from their father, Alberto, who tilled the said property and paid the taxes thereon since his occupation in 1963. In the action filed before the trial court, plaintiffs-appellants sought the following relief:

“WHEREFORE, plaintiffs are praying, after due notice and hearing, for a judgment ordering the cancellation of Free Patent No. 04-5319-93-2215 and Original Certificate of Title No. E-12983 entered in the Land Records of Palawan on May 29, 1995, declare plaintiffs as owners of the 20,000.00 square meters thereof x x x”[14] (Emphasis Ours)

The Supreme Court repeatedly emphasized that a tax declaration by itself is not sufficient to prove ownership of the property,[15] which appears to be plaintiffs-appellants' main objective in filing the complaint. Tax declarations in themselves do not vest absolute ownership of the property upon the declaration, nor do declarations of ownership for taxation purposes constitute adequate evidence of ownership or of the right to possess realty.[16]

Here, the only tax declaration annexed to the Complaint was the one issued in October 2006, Tax Declaration No. 5243. It is interesting to note that Tax Declaration No. 5243 makes no reference to any previous taxes paid upon the land, specifically Tax Declaration No. 0389 on which plaintiffs-appellants rely upon so heavily. In fact, the notation at the bottom of the back page of Tax Declaration No. 5243 provides:

“This declaration cancelled New, is cancelled by Tax No. _____. Tax under the year begins with the year 1961, ceases with the year ____.”[17] (Emphasis Ours)

From the above certification, it appears that plaintiffs-appellants only paid the property tax on the subject land in 2006, seen from the word “new” typed on the aforementioned portion of the tax declaration. In fact, there were several handwritten notes inserted in the said portion of the document without any indication if the same were officially altered. This also casts doubt on plaintiffs-appellants' claim over the property since there is no document to prove their father's payment of taxes over the property since his purported occupation thereof prior to 1963. Thus, plaintiffs-appellants failed to establish a legal right over the subject property which is the first element of a cause of action.

Concomitantly, there is no legal right on which defendant-appellee has the duty to respect or could have violated by any act or omission on her part. Absent the first element of a cause of action, the trial court correctly dismissed the complaint.

Since the complaint failed to state a cause of action, the issues of failure to resort to barangay conciliation and the lack of notice of hearing on the motion for reconsideration have been rendered irrelevant in the instant case. Even if this Court were to resolve the same, it would only be for academic purposes and would have no effect on the dismissal based on the substance of the complaint.

WHEREFORE, in view of the foregoing, the appeal is DISMISSED. The Order,[18] dated July 29, 2008, issued by the Regional Trial Court of Puerto Princesa City Branch 51 in Civil Case No. 4273, is AFFIRMED.

SO ORDERED.

Carandang, R.D., Chairperson and Barza, R.F., JJ., concur.

- [1] See Notice of Appeal, Records, p. 83
- [2] Rollo, pp. 35-37
- [3] Records, pp. 1-5
- [4] Records, p. 6
- [5] Records, pp. 7-8
- [6] Records, pp. 17-20
- [7] Rollo, pp. 35-37
- [8] Rollo, pp. 36-37
- [9] See Motion for Reconsideration, paragraph 2, Records, p. 34-a
- [10] Records, pp. 78-79
- [11] See Brief for Plaintiffs-Appellants, Rollo, pp. 20-21
- [12] Luistro vs. Court of Appeals and First Gas Power Corporation, G.R. No. 158819, April 16, 2009
- [13] G.R. No. 175799, November 28, 2011
- [14] Records, p. 4
- [15] Medina vs. Court of Appeals and Heirs of the Late Abundo Castanares, G.R. No. 137582, August 29, 2012
- [16] Gapacan, et a. vs. Omipet, G.R. No. 148943, August 15, 2003
- [17] See Records, p. 16, back page
- [18] Rollo, pp. 35-37

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.