ANICETO L. SUMULONG PETITIONER-APPELLANT, VS. FORTUNATO SUMULONG AND HON. RUTH C. SANTOS, IN HER CAPACITY AS PRESIDING JUDGE OF THE MUNICIPAL TRIAL COURT OF ANTIPOLO CITY, BRANC...

Ponente: BARRIOS, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/22be8a032c67/

BARRIOS, J.:

Challenged in this appeal is the Order dated October 21, 1999 of the Regional Trial Court of Antipolo City, Branch 71 (or RTC for brevity), denying the petition for certiorari and prohibition filed by the appellant Aniceto L. Sumulong (or Aniceto).

The case stemmed from an Application for Land Registration filed by the appellee Fortunato Sumulong (or Fortunato) before the RTC. The case was later assigned to the Municipal Trial Court in Antipolo City, Branch 1 (or MTC) pursuant to its delegated jurisdiction in cadastral and land registration cases under Section 34 of the Judiciary Reorganization Act of 1980, as amended by Republic Act 7691, where this was docketed as LRC No. 97-005.

In his application, Fortunato alleged that he is the owner and occupant of a parcel of land described as Lot 3627, Cad-29 Ext., Case 2, Antipolo Cadastre, located in Brgy. San Jose, Antipolo, Rizal, which he inherited from his deceased father Santos Sumulong. He asked that the subject parcel of land be brought under the operation of the Land Registration Act and that the title thereto be confirmed and registered in his name.

Thereafter the MTC issued an order of general default against the whole world with the exception of the Republic of the Philippines which had filed an opposition to the application. Aniceto then filed on September 7, 1998 an Omnibus Motion to Reopen the Case, to Lift Order of General Default and to Admit Answer / Opposition. He contended that he is a part owner and an actual occupant of the subject parcel of land but this fact was omitted by Fortunato in his application for registration. He further claimed that the application failed to comply with the jurisdictional requirements because there was no personal or actual notice to him.

The MTC issued an Order dated January 28, 1999 denying Fortunato’s motion, stating that:

> Upon perusal of the respective allegation of the parties, the court finds the Omnibus Motion to Reopen Case, To Lift Order of General Default and to Admit Answer/Opposition by Oppositor Aniceto Sumulong to be devoid of merit. The records will bear out that the notice of initial hearing has been published and once the order is published, it is considered as notice to the whole world and the court had already acquired jurisdiction over the case and therefore allegations that he has no knowledge of said land registration could not be given due course. He shall have raised his opposition to the land registration cases before or during the initial hearing and should have filed the instant Omnibus Motion to Reopen Case and to Lift Order of General Default within the period provided for by the 1997 Rules on Civil procedure.
>
> In view thereof, the Omnibus Motion to Reopen Case, To Lift Order of General Default and to Admit Answer/Opposition is hereby denied.

> SO ORDERED. (p. 32, record)

The motion for its reconsideration was likewise denied in the Order dated May 4, 1999.

For relief Aniceto filed a Petition for Certiorari and Prohibition with Prayer for a Writ of Preliminary Injunction and/or Temporary Restraining Order before the RTC, docketed as SCA No. 99-008. He contended that the MTC committed grave abuse of discretion in denying his motion to lift the order of general default and to allow him to file an opposition to the application for registration. He reiterated his ground that he is a part owner and an occupant of the subject property but Fortunato did not send him any notice of initial hearing as required in Sections 15 and 23 of P.D. 1529 or the Property Registration Decree.

On October 21, 1999, the RTC rendered the assailed Order, the decretal portion of which reads:

> WHEREFORE, for lack of merit petitioner's prayer for TRO and preliminary injunction is hereby DENIED, and for being moot and academic the petition is ordered DISMISSED.
>
> SO ORDERED. (p. 122, record)

Aniceto filed a Motion for Reconsideration and a supplement thereto on the ground that the MTC had no jurisdiction over the application for registration pursuant to Section 34 of the Judiciary Reorganization Act of 1980, as amended by R.A. 7691 because the market value of the subject property exceeds the jurisdictional limit of P100,000.00. He also claimed that Fortunato failed to comply with the jurisdictional requirements under P.D. 1529. This was however denied by the RTC in its Order dated March 3, 2000, which states that:

> After a careful study of the allegations of the petitioner, the Court finds no valid reasons to alter, modify or reverse the assailed Order.
>
> In real action, the assessed value of the property, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees, (Manual for Clerks of Court - p. 190, underscoring supplied). Consequently, the lower court has jurisdiction over Land Registration Case No. 97-005 (LRA Record No. N-68539) considering that the assessed value of the subject property per Tax Declaration No. AN-002-04751 is only P50,860.00.
>
> WHEREFORE, for lack of merit, petitioner's motion for reconsideration is hereby DENIED.
>
> SO ORDERED. (p. 142, record)

Hence, this appeal, with Aniceto raising as errors the following:

> - THE RTC ERRED IN NOT GOING INTO THE MERITS OF THE CASE AND THUS FAILING TO RESOLVE THE QUESTION OF WHETHER THE MTC CAN EXERCISE DELEGATED JURISDICTION OVER AN APPLICATION FOR LAND REGISTRATION WHERE THE ACTUAL OR MARKET VALUE OF THE PROPERTY EXCEEDS ONE HUNDRED THOUSAND PESOS (P100,000.00), AS EXPRESSLY PROVIDED IN SEC. 34 OF JUDICIAL REORGANIZATION ACT OF 1980.
>
> - THE RTC ERRED IN NOT GOING INTO THE MERITS OF THE CASE AND THUS FAILING TO RESOLVE THAT NON- COMPLIANCE WITH THE PROVISIONS OF SECTIONS 15 AND 23 OF P.D. NO. 1529 CONSTITUTES FRAUD, JUSTIFYING THE NULLIFICATION OF THE PROCEEDINGS IN A LAND REGISTRATION CASE. (pp. 10- 11, rollo)

As to the first ground, Aniceto anchors his argument on Section 34 of B.P. Blg. 129 or the Judiciary Reorganization Act of 1980, as amended by R.A. 7691 which provides:

> SEC. 34. Delegated jurisdiction in cadastral and land registration cases. - Metropolitan Trial Courts, Municipal Trial Court, and the Municipal Circuit Trial Courts may be assigned by the Supreme Court to hear and

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots where the value of which does not exceed One hundred thousand pesos (P100,000.00), such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants if there are more than one, or from the corresponding tax declaration of the real property. Their decisions in these cases shall be appealable in the same manner as decisions of the Regional Trial Courts.

Aniceto maintains that the MTC has no jurisdiction over Land Registration Case No. 97-005 because the market value of the land involved exceeds the jurisdictional amount of P100,000.00. He argues that the above provision does not speak of the assessed value of the property but the value as ascertained by the claimant's affidavit, or by agreement among the several claimants, or by a tax declaration. Hence, he asserts that it is not the assessed value but the actual or market value of the property that determines the MTC's jurisdiction.

It is clear from the above provision that the value of the property is to be ascertained from the affidavit of the claimant, or the agreement of the respective claimants if there are more than one, or from the tax declaration. But it does not mention that the market value of the property should be the basis. As such, considering that in civil actions which involve title to or possession of real property, the jurisdiction over the subject matter of the claim is determined by the assessed value not the market value thereof, it flows therefrom that in land registration cases it should also be the assessed value of the property which is the controlling factor in determining the court's jurisdiction. In this case, it is undisputed that the assessed value of the property involved, as shown by the corresponding tax declaration, is only P50,860.00. Hence Fortunato’s application for land registration is well within the MTC's P100,000.00 jurisdictional limit.

Moreover, the well entrenched principle is that the jurisdiction of court over the subject matter of the action is determined by the material allegations of the complaint and the law, irrespective of whether or not the plaintiff is entitled to recover all or some of the claims or reliefs sought therein (Laresma vs. Abellana, 442 SCRA 156).

On the second ground, Aniceto maintains that Fortunato’s failure to comply with the requirements set forth in Sections 15 and 23 of P.D. 1529 constitutes fraud rendering the entire proceedings in the land registration case null and void. He claims that his name was deliberately omitted in the application for land registration despite the fact that he is an actual occupant and part owner of the subject parcel of land. With the exclusion of his name in the application for land registration, he was not sent any personal, actual and formal notice by mail, and this is a violation of Section 23 of P.D. 1529.

We find merit in this. The RTC arbitrarily failed to see that there exists facts constituting actual or extrinsic fraud warranting the lifting of the MTC's order of general default. Section 15 of P.D. 1529 is explicit in requiring that in the application for registration of land titles, the application shall also state the full names and addresses of all occupants of the land and those of the adjoining owners, if known, and if not known, it shall state the extent of the search made to find them.

It is notable that Aniceto submitted good and clear evidence proving that he is an occupant of the subject parcel of land, consisting of: (1) a certification from the Brgy. Captain of Brgy. San Jose, Antipolo City dated July 20, 1999 showing that the appellant has been an occupant of the subject parcel of land from 1966 to the present (p. 107, record); (2) Declaration of Real Property for the year 1977 in the name of the appellant (p. 108, record); and (3) official receipts evidencing payment of real estate taxes on the subject property (pp. 111-116, record). Moreover, Aniceto’s given address is No. 2 Lopez Jaena St., Antipolo City, while Fortunato is a stated resident of No. 4 Lopez Jaena St., Antipolo City, proving that they are neighbors and know each other. Thus the omission by Fortunato in his application for land registration of the name of Aniceto blocked and prevented him from having his day in court. Such omission is a deliberate misrepresentation or concealment constituting fraud which should be basis for lifting the order of general default and allowing Aniceto to file an opposition or answer to the

application for land registration.

WHEREFORE, the appeal is GRANTED. The assailed Orders of the RTC dated October 21, 1999 and March 3, 2000, and the MTC dated January 28, 1999 and May 4, 1999, are NULLIFIED and SET ASIDE.

Let the records be REMANDED to the MTC for further proceedings with instruction to allow Aniceto to file and to admit his opposition to the application for land registration in LRC No. 97-005.

SO ORDERED.

Guariña III, and Romilla-Lontok, JJ.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.