

**SPOUSES REMEGIO P. BUIZON AND FLOR BUIZON, IN THEIR OWN
BEHALF AND IN BEHALF OF THE HEIRS OF CATALINO
TUAZON-VICTOR, RUPERTO TUAZON, JULIAN TUAZON, EMERITO
TUAZON, APOLONIA TUAZ...**

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before us is an appeal from the Judgment[1] rendered by Judge Maria Cheryl B. Laqui-Ceguera of Branch 268 of the Regional Trial Court of the National Capital Judicial Region in Pasig City (“trial court”) on July 25, 2013 in Civil Case No. 71380 which, inter alia, ordered the defendants-appellants Spouses Fernando and Alejandra Dugenio, Spouses Eugene and Remy Mundala and Themestocles Sulat to deliver possession of the subject parcel of land to the plaintiffs-appellees, immediately remove whatever improvements were introduced thereon and to pay the latter the amount of Fifty Thousand Pesos (P50,000.00) as attorney's fees.

The material and relevant facts of the case, as culled from the record, are as follows:

The plaintiffs-appellees alleged that they were the absolute and lawful co-owners of a parcel of land consisting of an area of Nine Hundred Twenty (920) square meters located at Interior F. Manalo Street, Barangay Sta. Cruz, Pasig City and covered by Original Certificate of Title No. 5610[2] (“subject property”). The market value of the subject property was pegged at Five Hundred Eighty Eight Thousand Eight Hundred Pesos (P588,800.00) based on Tax Declaration No. 119-00-028-04-077[3] that was issued by the City Assessor of Pasig City.

The plaintiffs-appellees alleged that the defendants-appellants built structures on the subject property without their knowledge and consent. Thereafter, the plaintiffs-appellees were precluded from entering the said subject property by the defendants-appellants. Thus, as a result of the foregoing incident, the plaintiffs-appellees brought the matter for barangay conciliation whereby the defendants-appellants executed a Document[4] acknowledging the ownership of the plaintiffs-appellees over the subject property. In the same document, the defendants-appellants likewise promised to vacate the subject property on or before January 31, 2005. On January 31, 2005 however, the defendants-appellants refused to vacate the aforesaid subject property.

Consequently, the plaintiffs-appellees filed a Complaint[5] for recovery of possession of real property against the defendants-appellants in the trial court on October 30, 2007. Summons was thereafter served upon the defendants-appellants by the trial court for the latter to file their answer to the complaint that was filed by the plaintiffs-appellees. Thus, in their Answer with Counter-Claim, the defendants-appellants countered that they had been in possession of the subject property in the concept of an owner since in the year 1978 and that they had already introduced improvements thereon.

Moreover, the defendants-appellants maintained that the plaintiffs-appellees were referring to another property which was different from the property that was the subject matter of the complaint. Consequently, the defendants-appellants insisted that the complaint that was filed by the plaintiffs-appellees did not state a cause of action and they prayed for the dismissal of the same.

The case was then set for preliminary conference and pre-trial by the trial court. However, before the said pre-trial could be conducted, the plaintiffs-appellees filed a Motion for Verification Survey[6] which was subsequently granted by the said trial court. Trial on the merits of the case thereafter ensued.

In order to prove their right to recover the possession of the subject property, the plaintiffs-appellees adduced in evidence the testimonies of Flor T. Buizon (Mrs. Buizon), Mary Elena Tuazon (Mary Elena) and Engr. Mariano V. Flotildas (Engr. Flotildas).

In the judicial affidavit that was executed by Mrs. Buizon, she stated that she was one of the co-owners of the subject property, together with her siblings, who were the other plaintiffs-appellees to the case. Mrs. Buizon maintained that they were the lawful owners of the subject property, pointing to the fact that the defendants-appellants had executed and signed a document acknowledging their ownership over the said subject property.

On the other hand, the defendants-appellants presented in evidence the testimonies of Themestocles Sulat, Fernando Dugenio and Remy Mundala who denied that they signed a document confirming the ownership of the plaintiffs-appellees over the subject property.

On July 15, 2013, the court a quo rendered a decision in favor of the plaintiffs-appellees the dispositive portion of which reads:

“WHEREFORE, foregoing premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants as follows:

“1. Ordering the defendants and all persons claiming rights under their names to immediately remove the structures standing on and deliver possession of, the Nine Hundred Twenty (920) square meter parcel of land located at Interior, F. Manalo St., Sta. Cruz, Pasig City, covered by Original Certificate of Title No. 5610;

“2. Ordering the defendants and all persons claiming rights under their names to jointly and severally pay the plaintiffs the amount of Fifty Thousand Pesos (P50,000.00) as and by way of attorney's fees; and

“3. And the costs of suit.

“SO ORDERED.”

Aggrieved by the foregoing disquisition of the trial court, the defendants-appellants filed the instant appeal in this Court assigning the following errors which were purportedly committed by the trial court, to wit:

I

THE TRIAL COURT ERRED IN RULING THAT POSSESSION BY THE PLAINTIFFS-APPELLEES OF A TORRENS CERTIFICATE OF TITLE IS EVIDENCE THAT SAID SUBJECT PROPERTY IS OWNED BY THE PLAINTIFFS-APPELLEES.

II

THE TRIAL COURT ERRED IN NOT FINDING THAT THE PROPERTY WHICH WAS BEING OCCUPIED BY THE DEFENDANTS-APPELLANTS WAS SEPARATE AND DISTINCT FROM THE PROPERTY COVERED BY OCT NO. 5610 WHICH, ON THE OTHER HAND, WAS BEING CLAIMED BY THE PLAINTIFFS-APPELLEES.

III.

THE TRIAL COURT ERRED WHEN IT DID NOT CONSIDER THE FACT THAT THE DEFENDANTS-APPELLANTS HAD BEEN OCCUPYING THE SUBJECT PROPERTY IN A CONCEPT

OF AN OWNER SINCE IN THE YEAR 1978.

IV.

THE TRIAL COURT ERRED IN ITS FINDING THAT THE PLAINTIFFS-APPELLEES WERE ENTITLED TO ATTORNEY'S FEE AND COSTS OF SUIT.

After a careful and judicious study of the record of the case as well as the applicable laws and jurisprudence, we find the appeal in this case to be devoid of merit.

Prefatorily, it bears stressing that an accion publiciana, also known as accion plenaria de posesion, is a plenary action for recovery of possession of a real property in order to determine the better and legal right to possess the same independently of title[7]. The objective of a plaintiff in accion publiciana is to recover possession only, not ownership, of a real property. Nonetheless, when the parties raise the issue of ownership, the courts may pass upon the issue to determine who between the parties has the right to possess the said property[8].

In the case at bench, the defendants-appellants claimed that they had been in possession of the subject property since in the year 1978. Therefore, they contended that they had already acquired ownership over the same in view of the long period of time that they held the said property in the concept of an owner. Moreover, the defendants-appellants claimed that the certificate of title of the plaintiffs-appellees was not sufficient evidence to prove their ownership over the subject property.

We do not agree.

In a long line of cases, the Supreme Court had consistently ruled that lands covered by a land title could not be acquired by prescription or adverse possession[9]. Thus, the defendants-appellants' claim of acquisitive prescription was without any basis. Moreover, pursuant to Article 1126 of the Civil Code, prescription of ownership of lands registered under the Land Registration Act shall be governed by special laws. Corollary thereto, Act No. 496 provides that no land title to a registered land in derogation of that of the registered owner thereof shall be acquired by adverse possession[10].

Withal, a Torrens certificate of title is the best evidence of ownership of a registered land[11]. The aforementioned certificate serves as evidence of an indefeasible title to the property in favor of the persons whose names appear therein[12]. Alternatively put, the plaintiffs-appellees' land title and that of their predecessors-in-interest covering the subject property gave rise to the reasonable presumption that the defendants-appellants had no right over the subject area and that their stay therein was merely tolerated[13].

As against the plaintiffs-appellees' Torrens title, the defendants-appellants' purported prior possession could not confer better right upon the latter to possess the subject property. It is settled that a Torrens title is evidence of indefeasible land title to property in favor of the person in whose name the title appears[14]. It is conclusive evidence with respect to the ownership of the land described therein[15]. Consequently, the titleholder is entitled to all the attributes of ownership of the property, including possession[16]. No possession by any person of any portion of the land could defeat the title of the registered owners thereof[17].

All told, the defendants-appellants, as observed by the court a quo, failed to establish with preponderance of evidence that they were entitled to possess the subject property. Thus, as the trial court ratiocinated:

“x x x

“On the other hand, the defendants admitted that they knew that the subject property is owned by the government. They likewise failed to cause the registration of the property they are occupying and to have it declared for taxation purposes in their names. Hence, defendants cannot be considered to be in possession of

the subject property in the concept of an owner and therefore prescription cannot be appreciated in their favor[18]. x x x

“x x x

“With the foregoing, it is clear that defendants entered and are occupying plaintiffs' land without authority or right. They failed to establish by which right are they entitled to continue to possess the subject property. Having no title or document to overcome petitioner's ownership over the land in question, respondent is therefore an intruder or squatter whose occupation of the land is merely being tolerated. As such, her occupancy of the land is only at the owners' sufferance, her acts are merely tolerated and cannot affect the owners' possession. She is necessarily bound to an implied promise that she will vacate upon demand”[19].

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby DENIED and, consequently, DISMISSED. The appealed Judgment rendered by Judge Maria Cheryl B. Laqui-Ceguera of Branch 268 of the Regional Trial Court of the National Capital Judicial Region in Pasig City on July 25, 2013 in Civil Case No. 71380 is hereby AFFIRMED.

SO ORDERED.

Ybañez, and Paredes, JJ., concur.

[1] Rollo, pages 76 – 83.

[2] Record, pages 7 – 8.

[3] Record, pages 9 -10.

[4] Record, page 11.

[5] Record, pages 1 – 6.

[6] Record, pages 51 – 53.

[7] Bejar v. Caluag, G.R. 171277, February 15, 2007.

[8] Urieta vda. De Aguilar v. Spouses Alfaro, G.R. 164402, July 5, 2010.

[9] Spouses Ragudo v. Fabella Estate Tenants Association, Inc., G.R. 146823, August 9, 2005.

[10] Natalia Realty Corporation v. Vallez, et al., G.R. 78290-94, May 23, 1989.

[11] Heirs of the late Fernando S. Falcasantos, G.R. No. 172680, August 28, 2009.

[12] Ibid., citing Republic v. Court of Appeals, Artemio Guido, et al. 204 SCRA 160 (1991), Demausiado v. Velasco, 71 SCRA 105, 112 [1976]).

[13] Heirs of Maligaso, Sr. v. Spouses Encinas, G.R. 182716, June 20, 2012

[14] Baloloy v. Hular, 481 Phil. 398, 410 (2004).

[15] Carvajal v. Court of Appeals, 345 Phil. 582, 594 (1997).

[16] Supra, Baloloy v. Hular.

[17] Jimenez v. Fernandez, G.R. No. L-46364, April 6, 1990,

[18] Record, page 81.

[19] Record, page 82.

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