

**RAYMUND M. MANZANO, PLAINTIFF-APPELLANT, VS. CESAR LAPID,
IN HIS CAPACITY AS BARANGAY CAPTAIN, LETICIA LAYUG,
AURELIA GANZON, CORAZON DALISAY, JOSEPHINE DANTES,
ZENAIDA ORDINARI...**

Ponente: BERSAMIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/37af19a1d3ac/>

BERSAMIN, J.:

The plaintiff appeals the adverse judgment dated April 10, 2002 rendered by the Regional Trial Court (RTC), Branch 61, in Baguio City, dismissing his complaint for injunction and damages, to wit:

Considering however, that the townsite sales application of plaintiff was returned unrecorded/denied which in effect has already resolved the issue on the right of possession/ownership of the plaintiff on the lot in question, this Court has no other choice than to deny the prayer of the plaintiff for the issuance of an injunction.

As held in numerous cases injunction being a preventive measure, its exercise is dependent upon the applicants showing of a positive legal right over the property. In the case at bar, plaintiff has not shown any legal title over the property.

The complainants right or title must be clear and unquestioned, for equity as a rule will not take cognizance of suits to establish title and will not lend its preventive aid by injunction where complainants right or title is disputed. (Ulang vs. CA 225 SCRA 637).

WHEREFORE, premises considered the instant petition is DISMISSED.

The writ of preliminary injunction earlier issued against the defendants is hereby dissolved.

SO ORDERED.[1]

The plaintiff commenced this action on July 2, 1996 to prevent the defendants Cesar Lapid, as barangay chairman of Quezon Hill, Baguio City, and other barangay officers, namely, Leticia Layug, Aurelia Ganzon, Corazon Dalisay, Josephine Dantes, Zenaida Ordinario, Juanita Abad and Rodrigo Gamueda, from entering his alleged parcel of land and introducing improvements thereon and to seek damages of various kinds and amounts.

His complaint avers that:

- That the father of herein plaintiff is the owner of a parcel of land located at Quezon Hill, Baguio City, obtained through Miscellaneous Sales Patent No. 862 in 4 December 1961 and registered with the Register of Deeds of Baguio City for which a Certificate of Title was issued in his name under OCT No. P-986, issued on 16 August 1972, xerox copy of which is hereto attached as Annex "A";
- That the father of plaintiff constructed their family home in 1959 on an adjacent lot, which is a parcel of alienable and disposable public land;
- That ever since 1959 to the present, plaintiff and his family resided in said family home and occupied and improved the premises in good faith;

- That for the same period, plaintiff and his predecessors-in-interest have likewise been in open, continuous and notorious occupation and possession of the land in the concept of an owner;
- That, desiring to comply with the duly-enacted laws of the Philippines and to establish ownership over the lot, plaintiff then filed his Townsite Sales Application over said parcel of land with the Department of Environment and Natural Resources, A.O. 504 Clearing Committee, Baguio City;
- That the Townsite Sales Application of plaintiff was returned unrecorded for the reason that the parcel of land has been identified by the Quezon Hill Barangay, under the influence and initiative of herein defendant CESAR LAPID, to be segregated for Barangay use;
- That plaintiff was not informed by the defendant Barangay officials concerned regarding the move to identify the lot on which plaintiff's family home is built and their intention to appropriate the same for Barangay use;
- That defendant CESAR LAPID is likewise a long-time resident of Quezon Hill Barangay and knew the fact of occupation and possession of the subject parcel of land by plaintiff and his family;
- That despite said knowledge, defendants, in utter bad faith and malice, decided to disregard the property rights vested in plaintiff and moved for the expropriation of the lot in question;
- That the identification and segregation of said lot is not indispensable for barangay use considering the fact that there are other more appropriate and available vacant lots ins aid barangay for the purpose intended;
- That plaintiff has exhausted all avenues of negotiation and supplication, to no avail.

ALLEGATION IN SUPPORT OF PRAYER FOR TEMPORARY RESTRAINING ORDER

- That as of 17 June 1996, the Quezon Hill barangay under the leadership of defendant CESAR LAPID has started to excavate on the subject parcel of land, in preparation of constructing and building thereon;
- That the Quezon Hill Barangay has not been issued any Provisional permit by the Department of Environment and Natural Resources – Cordillera Administrative Region (DENR-CAR) for them to enter into and introduce improvements on the subject parcel of land, nor has there been any identification of the lot for City Land Needs, certification to which is hereto attached as Annex "B";
- That unless this unlawful act of the defendant barangay officials is restrained and enjoined by the Honorable Court, grave and irreparable injury will result on the part of plaintiff and his family;[2]

He sought a temporary restraining order or a writ of preliminary injunction.

On July 17, 1996, the RTC allowed to parties to submit their position papers on the application for temporary restraining order or writ of preliminary injunction.[3]

On July 22, 1996, the plaintiff presented his position paper.[4] The defendants submitted their opposition on July 23, 1996,[5] and, later, on July 24, 1996, their motion to dismiss alleging the plaintiff's lack of personality to sue, lack of jurisdiction and that the case had become moot and academic.[6] The plaintiff opposed the motion to dismiss,[7] which the RTC ultimately denied on April 23, 1997 through a terse order.[8]

In the meanwhile, on March 18, 1997, the RTC granted the application for the writ of preliminary injunction,[9] issuing the writ on March 20, 1997.[10]

Due to the defendants' failure to file an answer within the time allowed by the Rules of Court, the plaintiff moved to declare the defendants in default on August 29, 1997.[11] The defendant opposed the motion of the plaintiff.[12]

On October 3, 1997, the RTC directed the plaintiff to amend his complaint in order to implead the replacements of defendants barangay officials who had been elected in the last barangay election.[13] The plaintiff complied, filing his amended complaint on November 10, 1997 to reflect the changes.[14]

On August 24, 1998, Corazon Dalisay, Josephine Dantes, Zenaida Ordinario, Jovita Abad, Rodrigo Ganueda, Leticia Layug, Aurelia Ganzon, Rosalinda Garcia, Consuelo Colaton, Roman Dulay, Flor Deliza De la Paz and Rogelio Ramos, the incumbent barangay officials joined under the amended complaint, filed a motion to dismiss, alleging non-compliance with the required form, non-joinder of indispensable parties, lack of jurisdiction, lack of cause of action, and that the plaintiff came to court with unclean hands.[15]

After the plaintiff submitted his comment on the motion to dismiss on September 8, 1998,[16] the RTC denied the motion to dismiss on December 9, 1998.[17]

On July 26, 2001, the plaintiff filed a motion to declare the defendants in default for failure to file an answer within the time allowed by the Rules of Court.[18] This motion was granted on August 6, 2001.[19] Thus, the plaintiff presented his evidence ex parte and later formally offered his evidence.

As earlier stated, the RTC issued its decision on April 10, 2002.

On April 23, 2002, the plaintiff moved for reconsideration,[20] but the RTC denied the motion for reconsideration on September 18, 2002.[21]

Hence, this appeal.

As appellant, the plaintiff submits that the RTC committed the following reversible errors, as follows:

- In deciding that Plaintiff has no legal right or title to the property as the property is public land and possession thereof cannot ripen into ownership;
- In deciding that Plaintiff cannot obtain relief from the courts as the courts in Baguio City have no jurisdiction to entertain land registration proceedings.[22]

The defendants did not file any appellee's brief despite notice.[23]

Through his appellant's brief, the plaintiff contends that the RTC erred in ruling that he had no legal right or title to the property because it was public land; that his right was by virtue of acquisitive prescription, a mode of acquiring ownership and other real rights over immovable property under Art. 1117 and Art. 1137, Civil Code, due to his public, peaceful, uninterrupted and adverse possession in the concept of an owner tacked to that of his predecessor-in-interest dating back to 1959 having ripened into ownership; that contrary to the RTC's ruling, he could lawfully possess the property by virtue of Art. 1113, Civil Code; that his claim was not negated by the fact that his townsite sales application had been returned unrecorded/denied; that the denial was based on the ground that the affected area had been identified for use as a multi-purpose barangay hall under the city land needs identification reports dated November 11, 1994 and August 11, 1995; that the affected area was never identified as city land needs, as certified to by CENRO officer Guillermo S. Fianza on July 2, 1996 (Exhibit H); and that defendants schemed to deprive the plaintiff of his rights and interests over the property by declaring the property to be used for the barangay.

The plaintiff further contends that the RTC erroneously dismissed the case for lack of jurisdiction to entertain land registration proceedings pursuant to *Republic v. Judge Fangonil*, 133 SCRA 513 because he was not hereby seeking the issuance of a certificate of title in his name but only the recognition of his possession; that his possession should be respected and protected from undue interference and unlawful entry, particularly by the defendants barangay officials; that under Art. 539, Civil Code, he had the right as the lawful possessor to be

respected in his possession; and that the RTC had the authority to enjoin the invasion of his right by the defendants who were acting oppressively and unlawfully.

We uphold the RTC.

The evidence adduced by him indicates that his father Bonifacio L. Manzano owned the parcel of land described as Lot No. 233 located at Quezon City, Baguio City, now registered in Bonifacio's name under Original Certificate of Title No. P-986 of the Registry of Deeds of Baguio City, having purchased the lot under Townsite Sales Patent No. 862;[24] that Bonifacio was also the possessor of an unregistered parcel of land with an area of 1,015 square meters adjacent to his registered lot, where he built some residential improvements that he and his wife conveyed, together with the lot, in 1977 to their children, Nicanor M. Manzano and the plaintiff herein;[25] that Nicanor subsequently executed a waiver of his rights to half of the unregistered lot in favor of the plaintiff herein by deed dated February 13, 1996;[26] and that the plaintiff filed his townsite sales application (and other requirements) respecting his half of the unregistered lot, a fact acknowledged by the Department of Environment and Natural Resources (DENR).[27]

Yet, the plaintiff's lot corresponded to Lot No. 232, which, though adjacent to Lot No. 233 of his father, remained part of the public land within the Baguio Townsite Reservation. As such, his claim to preference cannot be sustained. Although he filed in the DENR on December 11, 1995 his own townsite sales application (and other requirements) respecting Lot No. 232, such filing did not mean that he was became entitled to its possession, to the exclusion of all others. On the contrary, as the RTC cogently pointed out, his "townsite sales application was returned unrecorded/denied due to the fact that there (we)re existing applications on the said land and the land was segregated and identified by the City Land Needs Identification Committee for the use of Quezon Hill Barangay."

Nonetheless, the plaintiff insists that he should be respected in his possession due to his long tenure on the lot, which possession, if tacked to that of his predecessors (his parents and brother), dated back to "sometime in 1959." [28]

We cannot agree with the plaintiff. His possession and that of his predecessors did not establish in his favor a paramount right to the property. His insistence is untenable under the factual and legal circumstances applicable to the land. Anent this, we adopt with approval the RTC's apt and irrefutable ratiocination, as follows:

Granting that the plaintiff has been in possession of the land in question since 1959 said possession cannot ripen into ownership considering that Baguio City is a Townsite Reservation. As held in the case of Republic vs. Fangonil 133 SCRA 513 "That 1922 decision established the rule that lots of the Baguio Townsite Reservation, being public domain, are not registerable under Act No. 496. As held by Judge Belmonte in a 1973 case, the Baguio Court of First Instance has no jurisdiction to entertain any land registration proceedings under Act No. 496 and the Public Land Law covering any lot within the Baguio Townsite Reservation which was terminated in 1922."

To obtain title to the lot, plaintiff must apply for a town site sales application over the lot and continuous occupation is only one of the requirements among many. This is the only manner or process which plaintiff could acquire title to the land.

Considering however, that the townsite sales application of plaintiff was returned unrecorded/denied which in effect has already resolved the issue on the right of possession/ownership of the plaintiff on the lot in question, this Court has no other choice than to deny the prayer of the plaintiff for the issuance of an injunction.[29]

We hasten to add that had the plaintiff's possession been forcibly disturbed or usurped, his proper recourse was a prompt summary action under Rule 70, Rules of Court. Obviously, he was not so dispossessed; hence, his present recourse to seek injunctive relief was not proper.

WHEREFORE, the judgment dated April 10, 2002 is AFFIRMED.

SO ORDERED.

Villarama, Jr., (Chairman) and Librea-Leagogo, JJ., concur.

- [1] Records, pp. 192-194.
- [2] Records, pp. 1-3.
- [3] Records, p. 29.
- [4] Records, pp. 30-36.
- [5] Records, pp. 39-48.
- [6] Records, pp. 49-51.
- [7] Records, pp. 55-63.
- [8] Records, p. 86.
- [9] Records, p. 76.
- [10] Records, p. 78.
- [11] Records, pp. 88-89.
- [12] Records, p. 91.
- [13] Records, p. 96.
- [14] Records, pp. 101-114.
- [15] Records, pp. 122-133.
- [16] Records, pp. 138-144.
- [17] Records, pp. 146-147.
- [18] Records, pp. 161-162.
- [19] Records, p. 164.
- [20] Records, pp. 195-201.
- [21] Records, p. 211.
- [22] Rollo, p. 16.
- [23] Rollo, p. 38.
- [24] Exhibits A and B; records, pp. 175-176 (& dorsal side).
- [25] Exhibit D; records, pp. 179-180.
- [26] Exhibit E; records, pp. 181-182.
- [27] Exhibit F; records, p. 183.

[28] Exhibit D; records, p. 179.

[29] Decision, p. 2; records, at p. 193.

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.