

HEIRS OF DEMETRIO AGUARIN AND ZOSIMA AGUARIN NAMELY: PEDRITA BALUCAN-MAGHANOY, PROMENCIO BALUCAN, AMADO BALUCAN, DIOSDADA BALUCAN-BALANAY, DELFIN BALUCAN, HEIRS OF JUANITO BALUC...

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

On November 8, 2013 through counse[1], a Motion for Reconsideration¹ was filed by plaintiffs-appellees, praying to set aside the October 9, 2013 Decision[2] of this Court.

Upon examination of the allegations in the Motion for Reconsideration and the opposition[3] thereto, the Court finds that the issues raised in the plaintiffs-appelles motion have already been passed upon and resolved by this Court in its Decision sought to be reconsidered, to quote as follows:

“Well entrenched is the principle that a counterclaim is essentially a complaint filed by the defendant against the plaintiff and stands on the same footing as an independent action.[4] It being a complaint against plaintiff which stood as an independent action, any issue raised therein must be equally treated and resolved.

Based on the evidence presented by defendant-appellant, the question now arises, was he able to prove by preponderance of evidence that he is the absolute owner of the subject property?

The documents presented and duly identified by Estacio and Cagatan, which remained unrefuted by the plaintiffs-appellees, have sufficiently proven defendant-appellant’s ownership of Lot 5 which the subject property is part and parcel of.

It must be stressed that it is a fundamental principle in land registration under the Torrens system that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein,[5] the defendant-appellant in the present case. Thus, it serves as the best proof of ownership of a parcel of land.

Although it is also equally true that the doctrine of indefeasibility of the title will not lie if the acquisition of the title is attended with fraud or bad faith, plaintiffs-appellees miserably failed to contest the indefeasibility of defendant-appellant’s title.

Consistently, whoever owns the property has the right to possess it. While it may true that defendant-appellant claimed the existence of tenancy relation between his predecessor and that of plaintiffs-appellees’, the latter, on the other hand, had obviously repudiated this tenancy relationship by claiming in their Complaint that they and their predecessors were occupying and possessing the subject land in open, exclusive, adverse and in the concept of owners.

Plaintiffs-appellees’ claim of ownership though unsubstantiated is enough to vest the jurisdiction of courts on the issue on possession. The right to possess a property follows the right of ownership.[6] Here, between the defendant-appellant’s registered title of ownership and plaintiffs-appellees’ verbal claim of ownership, the former’s title is far superior. Also, it would be illogical to hold that a person having ownership of a parcel of

land is barred from seeking possession thereof.[7]

As to the issue on damages, We find the court a quo to have erred in not awarding the same. It is undisputed that plaintiffs-appellees had previously filed a similar action for annulment of title and reconveyance against defendant-appellant's predecessors involving the very same subject property. It is thus the considered view of this Court that the filing of this second case is attended with bad faith, thus warrant the award of moral damages.

Likewise, We find it proper to award attorney's fee in the reasonable amount of Php20,000.00 as defendant-appellant was forced to hire the services of his counsel to defend his right.

"However, We do not find justification to award exemplary damages.

In addition, the records of the case is bereft of any evidence that filing fees had been paid by defendant-appellant for the filing of his counterclaim. Be that as it may, the filing fees corresponding to the damages awarded by the Court shall constitute a first lien on the judgment award, and no payment by execution or otherwise may be made to plaintiffs-appellees without first paying the amount of such filing fees to the Clerk of Court, Regional Trial Court, Dipolog City."

WHEREFORE, the instant motion is hereby DENIED.

SO ORDERED.

Borja, J., Chairperson and [*]Inting, JJ., concur.

[*] Vice Justice Badelles per raffle dated September 24, 2013.

[1] Rollo, p. 54.

[2] Rollo, p. 44.

[3] Rollo, p. 65.

[4] FIRAZA v. Sps. UGAY, G.R. No. 165838, April 3, 2013.

[5] MANILA ELECTRIC COMPANY v. Heirs of Sps. DELOY, G.R. No. 192893, June 5, 2013.

[6] Sps. EDRALIN v. PHILIPPINE VETERANS BANK, G.R. No. 168523, March 9, 2011.

[7] Ibid.

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