

## **PILAR A. DORIA, PETITIONER, VS. REYNALDA M. PATACSYL FOR HERSELF AND THE HEIRS OF ANGEL L. PATACSYL, ET. AL., RESPONDENTS.**

Ponente: BRUSELAS, JR. J.

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### **BRUSELAS, JR. J.:**

Before us is a petition for review under Rule 42 which seeks to reverse and set aside the Decision[1] and Order[2] of Branch 33 of the Regional Trial Court (RTC) of Bauang, La Union that dismissed the petitioner's appeal and denied her motion for reconsideration, respectively, in a case of Recovery of Possession and Damages. The dispositive portions of the assailed decision and order read:

“WHEREFORE, after a careful review of the facts and circumstances of the case and the applicable laws and jurisprudence, this Court DISMISSES THE APPEAL for lack of merit.

SO ORDERED.[3]

xxx xxx xxx

“In this light, the Motion for Reconsideration is DENIED for utter lack of merit.

SO ORDERED.”[4]

The instant petition stemmed from a complaint[5] for Recovery of Possession and Damages filed by herein respondents Reynalda M. Patacsil and the heirs of Angel L. Patacsil, Sr.[6] (to be collectively known as the “Respondents”), represented by Reynalda, against the petitioner herein, Pilar A. Doria (“Petitioner”), and the other occupants namely: Sps. Maricel and Allam Talajuron, Josephina Peñaflorida, Nestor Medina and Josephine Ligan (“other occupants”) on June 23, 2009 with the Municipal Trial Court (MTC) of Bauang, La Union.

The respondents alleged that they were the forced, legitimate and legal surviving heirs, being the surviving wife and children, respectively, of the late Angel L. Patacsil, Sr. (“Angel Sr.”) who died on May 26, 2001 and who left a conjugal property in the form of a parcel of land located at Acao, Bauang, La Union, more particularly described as follows:

“A highland, PSU/CAD Lot No. 7860-B consisting of Two Hundred Seventy Eight point Twenty (278.20) sq. mtrs., more or less with an assessed value of One Hundred Pesos (P 100.00), bounded on the North by PIN 001, on the East by Sec 046, on the South by PIN 013 and on the West by PIN 011 registered in the name of the late Angel Patacsil, Sr.”

The respondents claimed that sometime in the year 2000, petitioner Doria together with the other occupants Maricel and Allan Talajuron, Josephine Peñaflorida, Nestor Medina and Josephine Ligan illegally entered and occupied the subject property without their knowledge, consent or permission, over their protests and objections; that the petitioner and the other occupants took advantage of the fact that the respondents did not live near the subject property; that for several times, they demanded from the petitioner and the other occupants the surrender

of the subject land; that they have explained to the petitioner and the other occupants that they were the owners of the subject land because its tax declaration was under the name of Angel Patacsil, Sr. and presented other documents which proved their ownership as heirs, but the petitioner and the other occupants simply ignored them; that they then brought the matter for barangay conciliation, but despite the efforts exerted by the barangay officials, the petitioner and the other occupants continued to refuse to surrender the possession of the subject land; that they likewise issued to the petitioner and the other occupants a final demand to vacate and to surrender the material and physical possession of the property, but it was simply ignored; that for a second time, the respondents filed a complaint with the barangay, but again, all efforts proved futile and no settlement was reached, as evidenced by the Certificate to File Action issued by the Lupon/Pangkat Secretary and attested by the Lupon/Pangkat Chairman; and in order to protect their rights and interests, the respondents filed a notice of adverse claim and a request to hold in abeyance any transaction involving the property.

The respondents insisted that as owners of the subject property, they were entitled to the actual, physical and material possession of the same; they thus prayed that they be declared entitled to the possession of the subject lot and for the petitioner and the other occupants, or anyone acting in their stead, to be ordered to surrender the material, physical and actual possession of the subject lot in their favor and to vacate the same. In addition, they asked that the petitioner and other occupants solidarily pay them: 1) P 3,000.00 monthly rental from the date of unlawful possession until the property is vacated; 2) P 20,000.00 in attorney's fees and P 2,000.00 for every court appearance; 3) P 20,000.00 in moral damages and exemplary damages to be determined by the court; and 4) costs of the suit.

Summonses were then issued to and received by all the occupants, but it was only petitioner herein, Pilar Doria who filed an Answer.

In her Answer, the petitioner admitted some, but denied most of the allegations in the respondents' complaint; that by way of affirmative defenses, she claimed that the subject property had been sold to her by the late Angel Sr.; that she already owns the property by and through ordinary acquisitive prescription; that on February 27, 1998, the late Angel Sr., as pro indiviso owner of the intestate estate of his mother Gregoria Laigo, sold his share of the inheritance to the petitioner for a consideration of Twenty Thousand Pesos (P 20,000.00); that on the following day, Angel Sr. pointed to the exact location and area of the lot and delivered it to her; that a week later, the petitioner paid the balance of Four Thousand Pesos (P 4,000.00) through the broker, Freda Arguela; that the broker demanded that the deed of sale in favor of the petitioner be executed; that Angel, Sr. could not as yet execute the deed of sale, due to the fact that the intestate estate of her mother Gregoria Laigo was still then under process for extrajudicial partition by and among his mother's heirs; that when the petitioner learned that the share of Angel, Sr. was finally ascertained, adjudicated and transferred to the latter, the petitioner again requested Angel Sr. to execute the deed of sale, but the latter made several alibis and delaying tactics to evade the execution of said deed; that instead of complying with his obligation to execute the deed of sale over his share of the inheritance in favor of the petitioner, Angel Sr., together with respondent Reynalda M. Patacsil and a daughter-in-law, went to the office of the Barangay Chairman of Acao, Bauang, La Union and forced the petitioner to have the sale rescinded, alleging that Angel Sr. signed the receipt while he was intoxicated; that at the time of sale on February 27, 1998, the lot was a virgin forest, a steep precipice at the southern shoulder of Naguilian-Baguio City Road for which they (defendants below) spent time, effort and money for the improvements; that she together with the other occupants constructed their respective residences on the subject land; and that her possession was open, continuous, exclusive and adverse against the whole world.

The petitioner prayed for the dismissal of the action below for lack of merit; for the court to declare her as the owner of the property; for the provincial assessor to cancel Tax Declaration No. ARP No. 003-01634 in the name

of Angel L. Patacsil, Sr. and to issue instead another tax declaration in the name of Pilar A. Doria; and for plaintiffs below to jointly and severally pay P 50,000.00 in moral damages, P 20,000.00 in exemplary damages, P 30,000.00 in attorney's fees and P 1,500.00 appearance fee for every hearing and costs of suit.

The petitioners filed a Reply which alleged therein that the document dated February 27, 1998 signed by Angel Sr. appears to be spurious, manufactured and not authentic.

The case underwent Court Annexed Mediation (CAM) on October 19, 2009 but the same was unsuccessful. The case was then set for Judicial Dispute Resolution (JDR) but the same also proved futile. The case was then returned to the MTC for further proceedings.

After the issues had been joined, the pre-trial ensued. At the pre-trial, the parties entered into admissions and stipulations of facts and agreed on the following:

- “1. The identity of the parties and their capacities to sue and be sued;
2. The jurisdiction of the Court;
3. The identity of the late Angel Patacsil Sr.;
4. The fact that the plaintiffs are the legal forced heirs of the late Angel Patacsil Sr., being the wife and children;
5. The fact of realty payments which is paid for by Reynalda Patacsil;
6. That the defendants were sent demand letters to vacate the property;
7. The identity of the land subject matter of this case which is covered by Tax Declaration No. ARP No. 003-01634;
8. That the property was an inheritance of Angel Patacsil from his mother;
9. That this property was subject of an Extrajudicial Settlement among heirs and the decedent was the mother of Angel Patacsil;
10. That the defendants admit that the land being occupied by them is the property subject of the settlement.”[7] (emphasis ours)

The MTC then rendered a Decision[8] in favor of the respondents (plaintiffs below) ruling that by reason of the parties' admission, during pre-trial, of the MTC's jurisdiction to try the case, said parties are deemed to have waived the jurisdiction of the court, and that it had no recourse but to decide the case on its merit.

The dispositive portion of the MTC's decision reads:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered, in favor of the plaintiff and against the defendant, who are ordered to:

SURRENDER possession of the land subject matter of this case to the plaintiffs, and to DEMOLISH the improvements thereon at their own expense;

- PAY plaintiffs the amount of Php 1,000.00 per month as just rentals of the land from the time of last demand by plaintiffs for defendants to vacate the premises;
- PAY the Attorney's fees in the amount of Php 20,000.00 and Php 2,000.00 per appearance fee;
- PAY the aggregate amount of Php 20,000.00 as moral and exemplary damages;
- And PAY the cost of suit.
- In the interest of justice, as the defendant had paid the amount of Php 15,000.00 for the right of way, which is admitted by the plaintiff, let the right of way exist as clearly, the defendants has no ingress or egress from and to the property which Doria had bought from Franco.

SO ORDERED.”[9]

The petitioner consequently moved to reconsider the above decision of the MTC but her motion was denied for

lack of merit via an Order wherein the MTC ruled that the case fell under the exclusive original jurisdiction of the Municipal Trial Court inasmuch as the assessed value of the property did not exceed P 20,000.00 pursuant to Section 33 (3)[10] of Republic Act No. 7691 as amended.

The petitioner thereafter filed a Notice of Appeal which was given due course by the MTC and which appeal was raffled to Branch 33 of the RTC of Bauang, La Union. The latter court then rendered the assailed decision with a lengthy discussion on the timeliness of the filing of the appeal brief, merely mentioning by way of obiter dictum, that it found no error in the judgment of the MTC with respect to the issue of possession and the awards of damages, attorney's fees and costs of suit.

A motion for reconsideration was later on filed by the petitioner but it was denied via the assailed order.

Hence, the instant petition.

Petitioner Doria assigns the following errors to support her petition:

“I.

THE HONORABLE REGIONAL TRIAL COURT GRAVELY ERRED IN NOT DISMISSING THE CASE FOR LACK OF JURISDICTION OF THE SUBJECT MATTER BY THE MUNICIPAL TRIAL COURT; and

II.

THE HONORABLE REGIONAL TRIAL COURT GRAVELY ERRED IN NOT FINDING THE DECISION OF THE MUNICIPAL TRIAL COURT AS VOID AB INITIO FOR VIOLATING ARTICLE VIII, SECTION 14 OF THE CONSTITUTION.”

The petition is bereft of merit.

The petitioner contends that the RTC, in its appellate jurisdiction to review the case appealed to it, failed in its duty to properly review her appeal and to eventually dismiss the action commenced with the MTC on the plain and simple issue of jurisdiction. She insists that accion publiciana is the plenary action to recover the right of possession, which should be brought before the proper RTC when dispossession has lasted for more than one year. Therefore, for lack of jurisdiction over the subject matter, the decision of the MTC is void ab initio, she argues.

Section 33 of Batas Pambansa Bilang 129,[11] as amended by Republic Act No. 7691 provides:

“Section 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. - Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise:

xxx xxx xxx

(3) Exclusive original jurisdiction in all civil actions which involve title to, possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: x x x”

Before the amendments introduced by Republic Act No. 7691, the plenary action of accion publiciana was within the exclusive cognizance of the regional trial courts. With the modifications introduced in 1994, the jurisdiction of the first level courts was expanded to include jurisdiction over other real actions where the assessed value does not exceed P20,000 or P50,000 where the action is filed in Metro Manila. The first level courts, now (MTC, MeTC, MCTC) thus have exclusive original jurisdiction over accion publiciana and accion reivindicatoria where

the assessed value of the real property does not exceed the aforestated amounts. The jurisdictional element is the assessed value of the property.[12]

Assessed value is understood to be "the worth or value of property established by taxing authorities on the basis of which the tax rate is applied. Commonly, however, it does not represent the true or market value of the property." [13]

In the case at hand, the complaint below of the respondents alleged that the subject land under the name of Angel Patacsil, Sr. was covered by a Declaration of Real Property ARP No. 003-01634.[14] The said document, which was attached to the respondents' complaint, declared the assessed value of the subject lot to be One Hundred Pesos (P 100.00). Such assessed value, being less than P 20,000.00, clearly falls within the exclusive, original prerogative or jurisdiction of the first level court (MTC) and, therefore, vested it with the jurisdiction to try and decide the case to the exclusion of the RTC. Contrary to the petitioner's assertion, the RTC did not have original jurisdiction over the complaint filed with the MTC.

The foregoing discussion notwithstanding, we have to note that the parties entered into a stipulation of facts during the pre-trial conference and one of the ten admissions therein stipulated upon was the jurisdiction of the MTC to try the case. Peittioner herein cannot therefore be heard to gripe over a matter upon which he effectively waived via an admission.

Further, the available records show that the petitioner actively participated in the proceedings before the MTC and therefore he is estopped from assailing the jurisdiction of the said court.

While the the general rule is that the jurisdiction of a court may be questioned at any stage of the proceedings because lack of jurisdiction is one of those excepted grounds where the court may dismiss a claim or a case at any time when it appears from the pleadings or the evidence on record that any of those grounds exists, when estoppel however sets in as when a party participates in all stages of a case before challenging the jurisdiction of the lower court, one cannot belatedly reject or repudiate its decision after voluntarily submitting to its jurisdiction just to secure affirmative relief against one's opponent or after failing to obtain such relief. The Court has, time and again, frowned upon the undesirable practice of a party submitting a case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction when adverse.[15]

The petitioner maintains that the RTC erred in not finding the decision of the MTC to be void ab initio for violating Article VIII, Section 14 of the Constitution,

“No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.”

She claims that nowhere in the MTC's decision was there a discourse on who among the respondents and the petitioner was or were the real owners of the subject property. She further contends that the RTC, in its appellate jurisdiction, should have rewritten another decision rectifying the error of the MTC which did not comply with the requirements of the Constitution.

Contrary to the claim of the petitioner, however, the MTC did discuss the facts of the case as presented and proven during the trial and as admitted and stipulated upon by the parties during the pre-trial. It was proven during the trial, via the pieces of documentary evidence that were presented, as well as the testimonies of the witnesses, that the respondents were the rightful owners of the subject land, being the lawful heirs of the late Angel Sr., and thus, were entitled to the possession of the same. It was likewise proven by the respondents through the evidence that they presented that the transaction entered into by Angel Sr. and the petitioner pertained to an easement of right of way and not to a sale of the subject land.

After the respondents, as plaintiffs below, established their claim of exclusive ownership and possession of the subject property, it became incumbent upon the petitioner, as a defendant below, to contravene the respondents' claim. The burden of evidence shifted to the petitioners at that point, to overcome the plaintiffs' evidence and prove her counterclaim as a defendant, that indeed, a sale transaction between her and the late Angel Sr. involving the subject property transpired on February 27, 1998, and not a mere grant of a right of way as asserted and proven by the respondents (plaintiffs below).

The maxim is that: "He who alleges the affirmative of the issue has the burden of proof, and upon the plaintiff in a civil case, the burden of proof never parts. However, in the course of trial in a civil case, once plaintiff makes out a prima facie case in his favor, the duty or the burden of evidence shifts to defendant to controvert plaintiff's prima facie case, otherwise, a verdict must be returned in favor of plaintiff." [16]

By preponderance of evidence, the respondents have proven that they are entitled to the right of possession of the subject property.

WHEREFORE, the petition is DENIED DUE COURSE. Consequently, the assailed Decision and Order are AFFIRMED.

**IT IS SO ORDERED.**

Reyes, Jr., P.J., (Chairperson) and Gaerlan, JJ., concur.

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[\*] Excludes the names of Sps. Maricel and Allan Talajuron, Josephina Peñaflorida, Nestor Medina and Josephine Ligan as in the original caption, because these persons did not join Pilar A. Doria, a.k.a. Pilar "Annie" Doria.

[1] Written by Judge Rose Mary R. Molina-Alim of Branch 33, Regional Trial Court of Bauang, La Union in Civil Case No. 2159-BG dated 27 June 2013; Rollo, pp. 61-72.

[2] Rollo, pp. 79-80.

[3] Rollo, p. 72.

[4] Ibid, p. 80.

[5] Ibid, pp. 18-22.

[6] Namely: Reynalda M. Patacsil, Danilo M. Patacsil, Baby Girl a.k.a. "Susan" P. Pimentel, Grace P. Pader, Aida P. Sacote, Angel M. Patacsil, Jr., Alma P. Munar, represented by their Attorney-in-Fact, Reynalda M. Patacsil.

[7] Rollo, pp. 49-50.

[8] Ibid, pp. 49-56.

[9] Ibid, p. 56.

[10] "Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty Thousand Pesos (P 20,000.00) or, xxx xxx"

[11] The Judiciary Reorganization Act of 1980.

[12] Sps. Alcantara v. Nido, G.R. No. 165133, April 19, 2010, 618 SCRA 333, citing Geonzon Vda. de Barrera v.

Heirs of Vicente Legaspi, G.R. No. 174346, 12 September 2008, 565 SCRA 192.

[13] Ibid.

[14] Rollo, pp. 28-29.

[15] Bernardo v. Heirs of Eusebio Villegas, G.R. No. 183357, March 15, 2010, 615 SCRA 466.

[16] Parel v. Prudencio, G.R. NO. 146556, April 19, 2006, 487 SCRA 405.

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