

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE REGIONAL DIRECTOR, DEPARTMENT OF EDUCATION, CULTURE & SPORTS (DECS) – REGION II, PLAINTIFF-APPELLEE, VS. SEVERO ABARCA, NILO ABAR...

Ponente: PAREDES, J.

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PAREDES, J.:

THE CASE

THIS IS ON THE APPEAL filed by defendants-appellants Severo Abarca (Severo), Nilo Abarca, Perseus Abarca, Juvy Abarca Malana and Agnes Abarca Balmaceda (collectively referred to as defendants or appellants, as the case may be), from the Decision[1] dated January 2, 2013 of the Regional Trial Court (RTC), Branch 18 of Ilagan, Isabela, in Civil Case No. 995 for Recovery of Possession with Damages.

THE ANTECEDENTS

This case involves the ownership and possession of an untitled parcel of land with an area of 7,756 square meters (sqm) located in Alibagu, Ilagan, Isabela (the subject property). While defendants-appellants are the actual occupants of the subject property, plaintiff-appellee Republic of the Philippines (Republic), represented by the Regional Director for Region II of the then Department of Education, Culture and Sports[2] (DECS), is claiming ownership and seeking to recover possession of the subject property.

The Republic alleged[3] that the subject property is part of a larger parcel of land covering an area of 21,647 sqm denominated as Lot 1, Ts-1028 and occupied by the Alibagu Elementary School (AES) as a school site since the 1960s. In January 1983, Severo was allowed by the principal of AES and president of the school's Parents-Teachers Association (PTA) to lease a one hectare portion of the property of AES for a period of ten years starting January 8, 1983, for which Severo paid the amount of P200.00 per year to be used by the PTA for the improvement of the school. However, after the expiration of the ten-year period and despite several demands, Severo refused to vacate and continued to occupy the portion leased to him, and Severo's children, the other defendants, have also erected their respective houses on the said portion and had also refused to vacate despite demands. The complaint prayed that judgment be rendered commanding the defendants and their agents and assigns: (1) to vacate the Republic's property and to remove their houses and other improvements, if any, thereon; (2) to each pay the Republic a monthly rental of at least P1,000.00 until they vacate the subject property; and (3) to pay the sum of at least P50,000.00 representing litigation expenses.

Defendants denied[4] the Republic's claims of ownership and possession of the subject property. According to them, sometime in the 1930s and during his lifetime, Domingo Abarca, father of Severo, occupied the subject property in Alibagu, Ilagan, Isabela. He planted coconut trees and different kinds of fruit trees, and built thereon a hut as his and his family's residence. After his father's death in 1944, Severo continued his occupation of the subject property.

In 1978, AES, which had previously occupied the lot on the other side of the road, constructed a school building

on the lot adjacent to that which was occupied by Severo. In 1982, the principal of AES proposed that he lease a portion of the AES property. While Severo leased a portion of AES property sometime in January 1983, the leased portion was returned sometime in 1993, when the ten-year lease period expired. The land subject of the dispute presently occupied by defendants belong to them and is outside the school site, with the boundary between the school site and the subject property occupied by defendants indicated by cement posts and separated by permanent hog and barbed wires. These boundary indicators have been in existence for more than 32 years, pre-existing even the construction of the AES and the area leased to Severo, and are located outside the school site. Defendants prayed that judgment be rendered dismissing the case for being frivolous and without merit, and order the Republic to pay: (a) P200,000.00 as damages; (b) attorney's fees in the amount of P20,000.00 and P1,000.00 per appearance; and (c) litigation expenses in the amount of P10,000.00.

At the pre-trial, the parties agreed[5] that the reference for the relocation of Lot 1 of Ts-1028 in relation to the area occupied by the defendants, be the technical descriptions[6] provided by the Community Environment and Natural Resources Office (CENRO). As such, geodetic engineer Cesar Ponce[7] and engineer Pedro Santa Cruz[8] were appointed[9] commissioners by the RTC to conduct the relocation. A pre-trial Order[10] was then issued containing the following stipulations:

- That defendant Severo Abarca leased a one-hectare portion of the school lot of Alibagu Elementary School which is denominated as Lot No. 1, Ts. 1028, located at Alibagu, Ilagan, Isabela, for a period of ten (10) years;
- That after the expiration of the Lease Contract, the defendants refused to vacate the leased premises and constructed several improvements over the said portion[11];
- That the defendants were complained by the School and barangay officials for their refusal to vacate the leased premises of the Alibagu Elementary School;
- That defendant Severo Abarca filed an application for Patent over the portion of the school lot;
- The genuineness of the letter coming from the OIC, Officer of the Regional Executive Director of the DENR dated May 21, 1998 addressed to the Solicitor General which was admitted;
- Another letter coming from the (sic) Solicitor General Magdangal De Leon dated January 2, 1998 addressed to the Regional Director, Tuguegarao, Cagayan, requesting for a copy of the Proclamation which was admitted by the plaintiff;
- Another letter coming from Leonardo Paat, Executive Director of the DENR addressed to the Schools Division Superintendent, DECS, Division of Isabela which was admitted by the plaintiff.

Meanwhile, the issues for trial were limited[12] to: (1) whether or not the Lot Data Computation Sheet pertaining to Lot No. 1, Ts. 1028 is valid in so far as it encroaches the portion actually occupied by the defendants; and (2) if the defendants prove that the Lot Data Computation Sheet is not valid in so far as it encroaches the portion actually occupied by the defendants, whether or not the plaintiff can recover the area encroached from the defendants. Thereafter, trial proceeded.

The Republic presented the testimonies of: AES teachers Teresita Tabaranza[13], Mercedes Lauzon[14], and Julieta Simon[15], incumbent AES principal Orlando Maramag[16], barangay kagawads Romulo Eusebio[17] and Oscar Velarde[18], and barangay councilwoman Maria Guiang[19]. They testified on the averments in the complaint, to the effect that the disputed portion presently occupied by the defendants was the subject of a lease contract between AES and Severo which the latter failed to vacate even after the expiration of the lease contract, and that the improvements thereon were introduced after the lease expired. The Republic submitted its formal offer[20] of documentary exhibits on November 7, 2002 and, after comment[21] from the defendants, all exhibits

were admitted by the RTC in an order[22] dated January 27, 2003.

On the other hand, the defendants presented the testimonies of Manuel Caruel (Caruel), Estelita Baccay (Baccay) and Severo. Caruel, a land management officer of the DENR, Tuguegarao City, testified[23] that in connection with a hearing for homestead patent lodged before him, an ocular inspection and field verification survey was conducted on Lot 1, TS 1028. He found that the land in the actual possession of the defendants is separate and distinct from the portion previously leased by Severo from AES. In his final investigation report[24], he noted that the property claimed by the defendants is still public land, alienable and disposable because there is no title nor any proclamation[25] covering the same, and favorably recommended the application of Severo. Meanwhile, Baccay, owner of a lot opposite that of the defendants, stated[26] that when her husband acquired their own lot in 1980, the defendants were already occupying the disputed portion with a house constructed thereon.

Finally, Severo testified[27] that his father was the original occupant of the subject property since the 1930s. When his father died in 1944, Severo and his wife continued to stay and introduce improvements to the land, in addition to those already put up by his father. Sometime in 1954, due to constraints of employment, Severo and his family rented a house at Guinatan which they occupied until his retirement in 1974. During that period, they went to and fro between Alibagu and Guinatan. After Severo's retirement in 1974, they returned to stay permanently on the subject property. At that time, he still had no neighbors and though there was already a school, it was located at the other side of the road. The national highway was constructed in 1976, displacing the school from its original location. When Severo's wife, a teacher, transferred to AES in 1978, the school principal told her about a vacant portion of the school site and instructed her to clear the area. This same area, measuring more or less one hectare, became the subject of a verbal agreement of lease between Severo and the school principal, which verbal agreement expired sometime in 1993. The portion where his children erected their houses is located outside the area subject of the verbal agreement.

All exhibits formally[28] offered by defendants were admitted in the Order[29] dated February 17, 2012. After submission of the parties' respective memorandum[30], the case was submitted[31] for decision.

Subsequently, on January 2, 2013, the RTC issued the assailed Decision[32], the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing discussions, it is hereby ordered that:

1. All the defendants must vacate the leased premises described in Exhibits "E-3", "1-A" & "1-B" of the plaintiff's property (Lot 1, Ts-1028) located at Alibagu Elementary School, Alibagu, Ilagan, Isabela; and remove all houses and other improvements that are still found therein; (Underlining in the original)
2. All the defendants must pay individually to the plaintiff the sum of P500.00 monthly by way of rental reckoned from the date of the filing of the Complaint on July 14, 1997 until they vacate the said leased premises and remove all improvements found therein; and,
3. To pay collectively litigation expenses of P25,000.00 in favor of the plaintiff.

SO ORDERED[33].

Hence, this appeal[34] with defendants (now appellants), ascribing the following errors to the RTC:

1. The trial court committed a grave error by revising the issues as follows:
 - a. Whether or not plaintiff has a better possessory right than defendants or vice versa; and
 - b. In the affirmative, whether or not plaintiff is entitled to monthly rentals of P1,000.00 until defendants vacate plaintiff's property and remove their houses and other improvements therein plus litigation expenses of at least

P50,000.00.

Contrary to what was stated in the Pre-trial Order dated 2 January 2001, where the agreed issues are:

a.) Whether or not the Lot Data Computation Sheet pertaining to Lot No. 1, Ts-1028 is valid in so far as it encroaches the portion actually occupied by defendants; and

b.) If the defendants have prove (sic) that the Lot Data Computation Sheet is not valid in so far as it encroaches the portion actually occupied by the defendants, whether or not the plaintiff can recover the area encroached from (sic) the defendants.

2. The trial court seriously erred in applying the “Regalian Doctrine” in this case and declaring that plaintiff-appellee is the absolute owner of the disputed property and being the absolute owner, it has the right to recover possession from the defendants-appellants;

3. The trial court erred in holding that defendant-appellant Severo Abarca and the President of the Parents-Teachers Association (PTA) and the Principal of Alibagu Elementary School entered into a lease agreement covering Lot 1, Ts-1028 over an area of one (1) hectare;

4. The trial court erred in concluding that the leased area is one (1) hectare despite the absence of documentary and testimonial evidence that the area leased is one (1) hectare;

5. The trial court erred in its computation that the parcel of land returned by defendants-appellants to the Alibagu Elementary School contains an area of five hundred (500) square meters only when it should be 5,309.70 square meters more or less as shown by the Report submitted by Geodetic Engineer Pedro Santa Cruz; (Exhibit “1”)

6. The trial court erred in ruling that the area traversed by Maharlika National Highway is not part of Lot 1, Ts-1028.

7. The trial court seriously erred in ruling that the DENR, being an administrative body, does not have jurisdiction on the subject matter of the present case.

8. The trial court seriously erred when it failed to rule that the Verification Report (Exhibit “6”) submitted by DENR Hearing Officer Manuel Caruel has clearly established that the disputed property occupied by defendants-appellants has been declared alienable and disposable part of the public land and therefore, their continued physical possession for more than forty (40) years gave them a vested right as lawful owners of said property.

9. The trial court erred in concluding that the disputed property occupied by defendants-appellants is part of the inalienable public domain and therefore not susceptible of private ownership.

10. The trial court erred in awarding five hundred pesos (P500.00) per month in favor of plaintiff-appellee which amount is payable by each of the five (5) defendants-appellants, counted from July 14, 1997[35].

THE ISSUE

In fine, the issue is whether or not the RTC erred in issuing the assailed Decision directing appellants to vacate the disputed portion and to pay, among others, monthly rentals.

THE COURT'S RULING

The appeal is meritorious.

A complaint for recovery of possession based on ownership is an action whereby the plaintiff alleges ownership

over a parcel of land and seeks recovery of its full possession[36]. In order that an action for recovery of possession may prosper, it is indispensable that he who brings the action must fully prove his ownership as well as the identity of the property claimed by describing the location, area and boundaries thereof[37].

In the instant case, the Republic, through the DECS and AES, failed to present proof of its ownership over the land it sought to recover. The principal basis of their claim is the supposed reservation of Lot 1, Ts-1028 as a school site, but this was never substantiated. In the case of *Republic vs. Estonilo*[38], the Supreme Court had occasion to discuss the law applicable to the reservation of land for a specific public purpose thus:

We agree with petitioner. The segregation of land for a public purpose is governed by the Public Land Act, the pertinent provisions of which are as follows:

SECTION 83. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the President may designate by proclamation any tract or tracts of land of the public domain as reservations for the use of the Republic of the Philippines or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purposes, or for quasi-public uses or purposes when the public interest requires it, including reservations for highways, rights of way for railroads, hydraulic power sites, irrigation systems, communal pastures or leguas comunales, public parks, public quarries, public fishponds, workingmen's village and other improvements for the public benefit.

SECTION 86. A certified copy of every proclamation of the President issued under the provisions of this title shall be forwarded to the Director of Lands for record in his office, and a copy of this record shall be forwarded to the Register of Deeds of the province or city where the land lies. Upon receipt of such certified copy, the Director of Lands shall order the immediate survey of the proposed reservation if the land has not yet been surveyed, and as soon as the plat has been completed, he shall proceed in accordance with the next following section.

SECTION 87. If all the lands included in the proclamation of the President are not registered under the Land Registration Act, the Solicitor General, if requested to do so by the Secretary of Agriculture and Natural Resources, shall proceed in accordance with the provision of Section fifty-three of this Act.

SECTION 53. It shall be lawful for the Director of Lands, whenever in the opinion of the President the public interests shall require it, to cause to be filed in the proper Court of First Instance, through the Solicitor General or the officer acting in his stead, a petition against the holder, claimant, possessor, or occupant of any land who shall not have voluntarily come in under the provisions of this chapter or of the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to discussion; or that the boundaries of any such land which has not been brought into court as aforesaid are open to question; or that it is advisable that the title to such lands be settled and adjudicated, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. The judicial proceedings under this section shall be in accordance with the laws on adjudication of title in cadastral proceedings.

Clearly, under the above provisions, only a positive act of the President is needed to segregate a piece of land for a public purpose. It must be noted that while Section 53 grants authority to the director of lands -- through the solicitor general -- to file a petition against claimants of the reserved land, the filing of that petition is not mandatory. The director of lands is required to file a petition only "whenever in the opinion of the President public interest requires it." (Emphasis supplied)

In the instant case, no such proclamation was presented despite efforts on the part of the Republic to inquire[39] into its existence; and, consequently, failed to produce the same. The Republic also presented as evidence verification plans[40] of Lot 1, Ts-1028 based on the technical description[41] issued by the CENRO, which purportedly showed the lot occupied by the appellants to be within its boundaries. However, neither can the survey plan nor technical descriptions prepared at the instance of the party concerned be considered in its favor,

the same being self-serving[42]. Furthermore, survey plans merely delimit areas sought to be registered. Neither the plan nor its approval carried with it any adjudication of ownership of land, with the approval merely certifying that the survey has been made in accordance with approved methods and regulations in force[43]. While a survey plan prepared upon the request of the AES may be taken as proof that the AES had taken steps to assert its ownership and possession of the land, the same has no legal effect unless and until a title has been issued in AES' name.

Likewise, the Republic failed to identify, with some degree of particularity, the land it sought to recover from appellants. The testimonies of its witnesses as well as the contract of lease[44] attached to the complaint, all refer to a one-hectare land leased to Severo. However, in the subdivision plans[45] and reports[46] submitted by Engrs. Ponce and Santa Cruz, the total area occupied by the appellants only measure 7,756 square meters, well below the one-hectare land Severo supposedly leased from the school and which he failed to vacate upon expiry of the contract. The rule is well-settled that in order that an action for recovery of possession may prosper, it is indispensable that he who brings the action fully proves not only his ownership but also the identity of the property claimed and he who claims to have a better right to the property must clearly show that the land possessed by the other party is the very land that belongs to him. When the record does not show that the land subject matter of the action for recovery of possession has been exactly determined, the action cannot prosper, inasmuch as the plaintiff's ownership rights in the land claimed do not appear satisfactorily and conclusively proven at the trial[47]. In the case at bar, the Republic could not establish the identity of the property AES leased to Severo. Although the Republic purported to show the technical descriptions and total area measurement of the whole lot it supposedly owned, it could not give the exact location and boundaries of the portion leased to Severo.

Moreover, the Republic's denial of appellant's return of the leased property, absent convincing evidence, cannot trump the claim that the same has been returned because positive statement is stronger and attains greater evidentiary weight than negative evidence[48]. The rule is that the positive and categorical assertions of witnesses generally prevail over bare denials. Such accordance of greater probative value to evidence that is positive in nature than that which is negative in character is a time-honored principle. Denial is a self-serving negative evidence that cannot be given greater weight than the declaration of credible witnesses who testified on affirmative matters[49].

Furthermore, the testimonies of the Republic's witnesses do not sufficiently show its ownership over the subject lot. We find that former teachers and principal of the AES do not have the capacity to categorically state the technical description of the land supposedly owned by the school, moreso to include in it land openly possessed under claim of ownership by the appellants. In contrast, credence should have been given to the testimony and final investigation report[50] of Manuel Caruel, a land management officer of the DENR, who found that:

A thorough and careful analysis shows that the Claimant-respondent Severo Abarca have established a priority and superior rights over the land in dispute; having occupied and improved the land in good faith unmolested and undisturbed for so many years. On the other hand the Claimant-protestant; The Barangay Council of Alibagu, Ilagan, Isabela, and the Alibagu Elementary School could not show and (sic) any convincing proof/or evidence that the land in dispute is covered by any proclamation or Executive Order reserving the area for school site purposes. Had there been any then the land in dispute should have been included in the fence of the school should have occupied and improved the land in controversy. In other words the land in dispute is outside the fence of the school and that the claimant-protestant have no improvement at all[51].

Caruel's testimony and report is formidable because it was provided by a witness who is a public officer and whose duties include the conduct of investigation in land disputes or claims involving public lands. The presumption of good faith and regularity in the performance of official duties of public officers are strong presumptions under our laws and should prevail unless overcome by contrary proof[52]. While the report is

merely recommendatory in character, it does not detract from the fact that Caruel came up with his report after careful investigation and fact-finding in accordance with his mandate as an officer of the DENR.

Moreover, the testimony[53] of Ms. Baccay corroborated Severo's statement that when AES constructed its building, it did so on the land adjacent to the subject property which were already being occupied by the appellants. Thus, there is sufficient preponderant and convincing evidence on record to substantiate the allegations of appellants that they and Severo's parents were the long-time possessors of the lot occupied by them.

Since the Republic failed to substantiate its claim over the land in question, it has no right of possession over the subject property superior to that of the appellants who are the present de facto possessors, because possessors, whether in the concept of owners or holders, must be respected anent their right to possess[54], in accordance with the provisions[55] of the Civil Code. Corollary thereto, the Republic cannot recover ownership and possession of the lot in the possession of the appellants, because it never had such rights from the very beginning.

Time and again, it has been ruled that he who alleges the affirmative of the issue has the burden of proof. Upon the plaintiff in a civil case, the burden of proof never parts. Once the plaintiff makes out a prima facie case in his favor in the course of the trial, however, 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[56]. Moreover, in civil cases, the party having the burden of proof must produce a preponderance of evidence thereon, with plaintiff having to rely on the strength of his own evidence and not upon the weakness of the defendant's[57]. Preponderance of evidence is the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term "greater weight of the evidence" or "greater weight of the credible evidence." Preponderance of evidence is a phrase which, in the last analysis, means probability of the truth. It is evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto[58].

Clearly, the Republic failed to discharge the burden of evidence necessary for the action for recovery of possession to prosper. The documentary and testimonial evidence as a whole, adduced by the Republic on whose side the onus probandi lies, do not adequately and convincingly show by greater weight of credibility, the Republic's ownership and right of possession over the subject property as against the countervailing evidence put forward by the appellants. Again we emphasize, that a party who has the burden of proof in a civil case must establish his case by a preponderance of evidence. When the evidence of the parties is in equipoise, or when there is a doubt as to where the preponderance of evidence lies, the party with the burden of proof fails and the petition must thus be denied[59].

WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated January 2, 2013 of the Regional Trial Court, Branch 18 of Ilagan, Isabela, in Civil Case No. 995 is REVERSED and SET ASIDE. The Complaint is DISMISSED.

SO ORDERED.

Dicdican, I. P., Chairperson, and Ybañez, E. A., JJ., concur.

[1] Records, pp. 549-63.

[2] Now the Department of Educations (DepEd), see Transcript of Stenographic Notes (TSN), August 29, 2002, p. 2.

[3] Complaint, records, pp. 1-6 (exclusive of annexes).

[4] Answer, records, pp. 13-9 (exclusive of annexes).

- [5] Records, pp. 49 & 59.
- [6] Records, pp. 60-1.
- [7] Records, pp. 72-5; TSN, May 24, 1999.
- [8] Records, pp. 62-3; TSN, August 24, 2000.
- [9] Records, p. 59.
- [10] Records, pp. 212-3.
- [11] Stipulation No. 2 was subsequently deleted per Order dated January 2, 2001, records, p. 222.
- [12] Records, p. 222.
- [13] TSN, February 27, 2001, pp. 1-42.
- [14] TSN, February 27, 2001, pp. 42-63.
- [15] TSN, October 24, 2002, pp. 1-15.
- [16] TSN, April 19, 2001, pp. 1-29.
- [17] TSN, August 29, 2002, pp. 1-37.
- [18] TSN, April 19, 2001, pp. 30-50.
- [19] TSN, October 24, 2002, pp. 16-35.
- [20] Records, pp. 296-304.
- [21] Records, pp. 305-7.
- [22] Records, p. 313.
- [23] TSN, July 30, 2003, pp. 1-53.
- [24] Records, pp. 450-1.
- [25] Records, pp. 447-9.
- [26] TSN, February 3, 2004, pp. 1-17 and January 18, 2010, pp. 1-14.
- [27] TSN, March 8, 2010, pp. 1-19; February 3, 2011, pp. 1-30; July 7, 2011, pp. 1-33; September 22, 2011, pp. 1-36; and November 24, 2011, pp. 1-20.
- [28] Records, pp. 444-6.
- [29] Records, p. 471.
- [30] Plaintiff, records, pp. 527-44; Defendants, records, pp. 506-19.
- [31] Records, p. 547.
- [32] Records, pp. 549-63.
- [33] Records, p. 563.
- [34] Records, pp. 565-6.

[35] Rollo, pp. 35-7.

[36] See *Spouses Sarmiento vs. Court of Appeals*, G.R. No. 152627, September 16, 2005.

[37] See *Bordalba vs. Court of Appeals*, G.R. No. 112443, January 25, 2002; Also, Article 434 of the Civil Code reads: In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

[38] G.R. No. 157306, November 25, 2005.

[39] Records, pp. 146-51 and 447-9.

[40] Records, pp. 63, 75.

[41] Records, pp. 60-1.

[42] See *Republic vs. Santua*, G.R. No. 155703, September 8, 2008.

[43] See *Rizal Cement Co, Inc. vs. Villareal*, GR No. L-30272, February 28, 1985, citing *PEC vs. Antonio*, CA-G.R No. 8456, February 12, 1943

[44] Records, p. 9.

[45] Records, pp. 63, 75.

[46] Records, pp. 62, 73.

[47] See *Beo vs. Court of Appeals*, G.R. No. 95709, August 13, 1991.

[48] See *Paredes vs. Calilung*, G.R. No. 156055, March 5, 2007.

[49] *Republic vs. Bautista*, G.R. No. 169801, September 11, 2007.

[50] Records, pp. 450-1.

[51] Records, p. 451.

[52] See *Dimapilis-Baldoz vs. COA*, G.R. No. 199114, July 16, 2013.

[53] TSN, February 3, 2004 and January 18, 2010.

[54] See *Spouses Silverio Sr. vs Spouses Marcelo*, G.R. Nos. 184079&184490, April 17, 2013.

[55] Art. 433. Actual possession under claim of ownership raises disputable presumption of ownership. The true owner must resort to judicial process for the recovery of the property.

Art. 539. Every possessor has a right to be respected in his possession; and should he be disturbed therein he shall be protected in or restored to said possession by the means established by the laws and the Rules of Court.

xxx

Art. 541. A possessor in the concept of owner has in his favor the legal presumption that he possesses with a just title and he cannot be obliged to show or prove it.

[56] *DepEd vs. Tuliao*, G.R. No. 205664, June 9, 2014.

[57] *Skunac Corporation vs. Sylianteng*, G.R. No. 205879, April 23, 2014, citing *Jison vs. Court of Appeals*, G.R. No. 124853, February 24, 1998

[58] Castillo vs. Salvador, G.R. No. 191240, July 30, 2014, citing Encinas vs. National Bookstore, G.R. No. 162704, November 19, 2004.

[59] Marubeni Corp. vs. Lirag, G.R. No. 130998, August 10, 2001.

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