

LUMEN BORJA SCHILLING, AMELIA BORJA ECLAVEA AND ELEONOR BORJA MENDOZA, REPRESENTED BY FRANCISCO S. BORJA, PLAINTIFFS-APPELLEES, VS. DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, ...

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

At the hub of the instant Appeal is the Decision[1] dated 27 September 2012 of the Regional Trial Court, Second Judicial Region, Tuguegarao City, Cagayan, Branch 01, in Civil Case No. 5563, for Recovery of Possession and Damages with Alternative Prayer to have the Value Paid, the fallo of which reads:

“WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendant:

1. Declaring the plaintiffs as owners of the whole lot in question and as such are entitled to recover possession of the portion of the land presently occupied by the San Juan Elementary School at any time because possession is one of the attributes of ownership. However, since restoration of possession of said portion by the defendant DECS is neither convenient nor feasible at this time because it is now and has been used for school purposes, the only relief available is for the government to make due compensation of the value of the lot being occupied by the San Juan Elementary School and to pay the plaintiffs in the amount of P100,000.00;
2. Declaring the defendant not to be illegally occupying the land since their occupation thereof was made in good faith;
3. The plaintiffs are not entitled to the award of rental fees, litigation expenses, moral damages, exemplary damages, attorney's fees and cost of suit.

SO DECIDED.”[2]

The controversy has its precursor in a Complaint[3] filed by plaintiffs-appellees Lumen Borja Schilling, Amelia Borja Eclavea and Eleonor Borja Mendoza (appellees), represented by Francisco Borja, before the court a quo against defendant-appellant Department of Education, Culture and Sports (appellant),[4] represented by then Secretary Andrew Gonzales.

Appellees are the children and legal heirs of the deceased spouses, Manuel and Paula Borja, the registered owners of a parcel of land with an area of 85,527 square meters located in Blauini, Amulung, Cagayan, and covered by Transfer Certificate of Title (TCT) No. T-20891.[5] In 1986, a portion of the subject realty consisting of 2,383 square meters described as Lot 13 was occupied by the San Juan Elementary School (SJES). In their Complaint, appellees sought to recover possession of the disputed lot with alternative prayer for appellant to be ordered to pay just compensation for the value thereof.

In the assailed Decision, the court a quo ratiocinated that restoration of possession to appellees was no longer feasible as the litigated property was presently devoted to and had been used for school purposes. Instead, the court a quo adjudged appellant to pay appellees a just compensation in the amount of P100,000.00, ratiocinating

in this wise—

"x x x [T]he Court finds that the plaintiffs (appellees) had proven by clear and convincing evidence that they are the legal owners of the subject lot where the school was built.

x x x x x

However, since restoration of possession of the portion of lot to the plaintiffs (appellees) is neither convenient nor feasible at this moment because it is now and has been used for school purposes, the only relief available is to grant the alternative prayer of the plaintiffs (appellees) for the defendant (appellant) to make due compensation of the value of the subject lot which it should have done years ago.

x x x In order to avoid further delay in the final determination of this case especially for the sole purpose of fixing the just compensation to be paid by the defendant (appellant) for the value of the lot occupied by the school at the time of its taking in 1986, the Court in the exercise of its judicial discretion hereby fixes the value of the lot in the amount of P100,000.00."

Railing against the adverse judgment, appellant, through the Office of the Solicitor General (OSG), now comes to Us raising a solitary error—

THE TRIAL COURT ERRED IN RULING THAT APPELLEE IS ENTITLED TO COMPENSATION EQUIVALENT TO THE VALUE OF THE LOT OCCUPIED BY SAN JUAN ELE-MENTARY SCHOOL.

The Appeal is devoid of merit.

Tout court, the visceral issue is: Whether or not the equitable principle of laches is applicable in derogation to the title of the registered owner.

Appellant invokes laches against appellees for their failure to protest their occupation of the subject land since 1986. It asserts that appellees slept on their rights as it took them years before they instituted the instant case.

Appellant's thesis that appellees' long inaction to assert their rights over the subject land bars them from recovering the same, is devoid of legal mooring.

Persuasive authority has it that laches may not prevail against specific provision of law, since equity, which has been defined as "justice outside legality" is applied in the absence of and not against statutory law or rules of procedure. Under the Property Registration Decree, no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession. It is well-settled that prescription and laches can not apply to registered land covered by the Torrens system. The registered owner of the land can rest secure, without the necessity of waiting in the portals of the court, or sitting, in the "mirador de su casa," to avoid the possibility of losing his land.[6] An action by the registered owner to recover possession based on Torrens title is not barred by laches.[7] A registered owner has the right to eject any person illegally occupying his property. This right is imprescriptible and can never be barred by laches.[8] Upon this point, the jurisprudential pronouncement of the Supreme Court in the case of *Esmaguel v. Coprada*[9] is quite illuminating—

"As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners' occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches."[10] (Emphasis supplied)

Taking cue from the foregoing doctrinal precepts, appellees are not guilty of laches as would bar their claim to the property in question. The litigated property is registered under the Torrens system in the name of appellees'

parents, the spouses Manuel and Paula Borja. As the legal heirs of the registered owners, appellees merely stepped into the shoes of their parents by operation of law and are merely continuing the personality of their predecessors-in-interest.

Laches is the failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting the presumption that the party entitled to assert it either has abandoned or declined to assert it.[11] Fundamentally, laches is an equitable doctrine, its application is controlled by equitable considerations. Concomitantly, it is a better rule that courts, under the principle of equity, will not be guided or bound strictly by the statute of limitations or the doctrine of laches when to do so, manifest wrong or injustice would result.[12]

In précis, We find and so rule that the court a quo erred not in rendering the assailed Decision as it is congruous with applicable law and settled jurisprudence.

WHEREFORE, the Appeal is hereby DENIED. The Decision dated 27 September 2012 of the Regional Trial Court, Second Judicial Region, Tuguegarao City, Cagayan, Branch 01, in Civil Case No. 5563, is AFFIRMED.

SO ORDERED.

Ybañez and Manahan, JJ., concur.

[1] Original Records, pp. 276-282.

[2] Original Records, p. 282.

[3] Id., pp. 1-4.

[4] Now Department of Education (DepEd)

[5] Original Records, p. 269.

[6] See Velez, Sr. v. Demetrio, 387 SCRA 232, 238 (13 August 2002).

[7] Dablo v. Court of Appeals, 226 SCRA 618, 628 (21 September 1993).

[8] Esmaquel v. Coprada, 638 SCRA 428, 440-441 (15 December 2010), citing Gaudencio Labrador, represented by Lulu Labrador Uson, as Attorney-in-Fact v. Spouses Ildefonso Perlas and Pacencia Perlas and Spouse Rogelio Pobre and Melinda Fogata Pobre, 627 SCRA 265 (9 August 2010).

[9] 638 SCRA 428 (15 December 2010).

[10] Id., p. 441, citing Bishop v. Court of Appeals.

[11] Esmaquel v. Coprada, 638 SCRA 428, 439 (15 December 2010)

[12] Velez, Sr. v. Demetrio, 387 SCRA 232, 237 (13 August 2002).

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