

**ROMEO F. EDU, IN HIS CAPACITY AS COMMISSIONER OF LAND
TRANSPORTATION, EDUARDO DOMINGO, CARLOS RODRIGUEZ AND
PATRICIO YAMBAO IN THEIR CAPACITY AS ANCAR AGENTS,
PETITIONERS, VS. H...**

G.R. No. L-33397. June 22, 1984

Ponente: RELOVA, J.

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RELOVA, J.:

Subject matter of this case is a 1968 model Volks-wagen, bantam car, Engine No. H-5254416, Chassis No. 118673654, allegedly owned by Lt. Walter A. Bala of Clark Airbase, Angeles City, under whose name the car was allegedly registered on May 19, 1970 at the Angeles City Land Transportation Commission Agency, under File No. 2B-7281.

The Office of the Commission on Land Transportation received a report on August 25, 1970 from the Manila Adjustment Company that the abovementioned car was stolen on June 29, 1970 from the residence of Lt. Bala, at 63 Makiling Street, Plaridel Subdivision, Angeles City. Petitioners Eduardo Domingo, Carlos Rodriguez, and Patricio Yambao, agents of Anti-Carnapping Unit (ANCAR) of the Philippine Constabulary, on detail with the Land Transportation Commission, on February 2, 1971, recognized subject car in the possession of herein private respondent Lucila Abello and immediately seized and impounded the car as stolen property. Likewise, herein petitioner Romeo F. Edu, then Commissioner of Land Transportation, seized the car pursuant to Section 60 of Republic Act 4136 which empowers him to seize the motor vehicle for delinquent registration aside from his implicit power deducible from Sec. 4(5), Sec. 5 and 31 of said Code, "to seize motor vehicles fraudulently or otherwise not properly registered."

On February 15, 1971, herein private respondent Lucila Abello filed a complaint for replevin with damages in respondent court, docketed as Civil Case No. 82215, impleading herein petitioners, praying for judgment, among others, to order the sheriff or other proper officer of the court to take the said property (motor vehicle) into his custody and to dispose of it in accordance with law.

On February 18, 1971, respondent judge of the then Court of First Instance of Manila issued the order for the seizure of the personal property. Solicitor Vicente Torres, appearing for the herein petitioners, submits that the car in question legally belongs to Lt. Walter A. Bala under whose name it is originally registered at Angeles City Land Transportation Commission Agency; that it was stolen from him and, upon receipt by the Land Transportation Commissioner of the report on the theft case and that the car upon being recognized by the agents of the ANCAR in the possession of private respondent Lucila Abello, said agents seized the car and impounded it as stolen vehicle. With respect to the replevin filed by private respondent Lucila Abello, respondent Court of First Instance Judge found that the car in question was acquired by Lucila Abello by purchase from its registered owner, Marcelino Guansing, for the valuable consideration of P9,000.00, under the notarial deed of absolute sale, dated August 11, 1970; that she has been in possession thereof since then until February 3, 1971 when the car was

seized from her by the petitioners who acted in the belief that it is the car which was originally registered in the name of Lt. Walter A. Bala and from whom it was allegedly stolen sometime in June 1970.

Finding for the private respondent, respondent judge held that -

"The complaint at bar is for replevin, or for the delivery of personal property, based on the provisions of Rule 60, Sections 1 and 2 of the Rules of Court. All the requirements of the law are present in the verified averments in the complaint, viz:

"1. That plaintiff is the owner of the automobile in question.

"2. That the aforesaid property was seized from her against her will not for a tax assessment or fine pursuant to law, not under a writ of execution or attachment against her properties;

"3. That the property is wrongfully detained by the defendants, who allegedly seized it from her on February 3, 1971, 'allegedly for the purpose of verifying the same' (see par. 3, Complaint), but have refused since then until now to return the same to the plaintiff.

"4. That plaintiff was ready to put up a bond in double the value of the car, and has in fact already put up an P18,000.00 bond to the defendants for the return thereof to the latter, if that shall be the ultimate judgment of the court, and to pay defendants damages that they may incur.

"The issuance therefore, by this Court of the order of seizure of the said chattel by the sheriff and for the latter to take it into his custody, is precisely pursuant to the existing law, governing the subject.

"If defendants object to the seizure, the remedy provided for by law is set out in Section 5 of Rule 60 and that is for them to put up a counter-bond for the same amount of P18,000.00, which is double the value of the car in question. Defendants may not ignore the law under the claim that, on complaint of a certain party, the Manila Adjustment Company, they have a right to seize the same as it appears to be the property that was stolen from Lt. Walter A. Bala several months ago." (p. 19, Rollo)

There is no merit in the petition considering that the acquirer or the purchaser in good faith of a chattel or movable property is entitled to be respected and protected in his possession as if he were the true owner thereof until a competent court rules otherwise. In the meantime, as the true owner, the possessor in good faith cannot be compelled to surrender possession nor to be required to institute an action for the recovery of the chattel, whether or not an indemnity bond is issued in his favor. The filing of an information charging that the chattel was illegally obtained through estafa from its true owner by the transferor of the bona fide possessor does not warrant disturbing the possession of the chattel against the will of the possessor.

Finally, the claim of petitioners that the Commission has the right to seize and impound the car under Section 60 of Republic Act 4136 which reads:

"Sec. 60. The lien upon motor vehicles. - Any balance of fees for registration, re-registration or delinquent registration of a motor vehicle, remaining unpaid and all fines imposed upon any vehicle owner, shall constitute a first lien upon the motor vehicle concerned."

is untenable. It is clear from the provision of said Section 60 of Republic Act 4136 that the Commissioner's right to seize and impound subject property is only good for the proper enforcement of lien upon motor vehicles. The Land Transportation Commission may issue a warrant of constructive or actual distraint against motor vehicle for collection of unpaid fees for registration, re-registration or delinquent registration of vehicles.

ACCORDINGLY, the petition is hereby DENIED.

SO ORDERED.

Teehankeee, (Chairman), Melencio- Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

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