

**FERMIN RAMOS AND SPOUSES MARIO AND CELESTINA MARUZZO,
PLAINTIFFS-APPELLANTS, VS. MANOTOK REALTY, INC. AND
REGISTER OF DEEDS OF STA. CRUZ, LAGUNA,
DEFENDANTS-APPELLEES.**

CV No. 88141, March 12, 2012

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Court of Appeals

The Case

On appeal by plaintiffs-appellants Fermin Ramos and Spouses Mario and Celestina Maruzzo ("Ramos, et al.") is the Decision[1] dated November 30, 2005 of the Regional Trial Court ("RTC") of Calamba City,[2] in Civil Case No. 3585-04-C for Annulment of Title with Preliminary Injunction and/or Temporary Restraining Order entitled: "Fermin Ramos and Sps. Mario and Celestina Maruzzo, Plaintiffs vs. Manotok Realty, Inc. and the Register of Deeds of Sta. Cruz, Laguna, Defendants", the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing considerations, the complaint for annulment of title with preliminary injunction and/or temporary restraining order filed by plaintiffs Fermin Ramos and Spouses Mario and Celestina Maruzzo is hereby dismissed for lack of merit.

SO ORDERED."[3] (emphasis Ours)

The Facts

This case stems from Ramos, et al.'s Complaint for Annulment of Title with Preliminary Injunction and/or Temporary Restraining Order[4] involving a portion of a land consisting of 13,814 square meters situated in Bambang, Los Baños, Laguna. Ramos, et al. alleged therein that they and their predecessors-in-interest have been in actual physical possession under claim of ownership over the subject property, said possession being open, public, notorious, continuous and in good faith since time immemorial and for a period of more than 30 years.

Ramos, et al. narrates that in 1991, Manotok Realty, Inc. ("Manotok"), through force, threats and violence, occupied a portion of the subject property. Despite their demands, Manotok refused to vacate said property. Fermin Ramos was thus compelled to file a case against Manotok for illegal entry. Ramos, et al. further claims that Manotok has a spurious title, i.e., Transfer Certificate of Title ("TCT") No. (4205) T-7812,[5] covering a 649-square meter lot which encroached the subject property. Manotok used said spurious title in filing a complaint for unlawful detainer against them entitled "Manotok Realty, Inc., plaintiff vs. Sps. Mario and Celestina Maruzzo, et al., defendants," and docketed as Civil Case No. 1457, before the Municipal Trial Court ("MTC")[6] of Los Baños, Laguna.

Ramos, et al. further alleged that the MTC in Civil Case No. 1457 issued an Order on January 27, 2004 directing their ejectment. They thus prayed that an injunctive writ or temporary restraining order ("TRO") be issued to restrain the execution of said Order and, after trial, Manotok's title be declared as void and consequently, plaintiffs-appellants be declared as the lawful possessors of the subject land.

Manotok, on the other hand, filed a Motion to Dismiss[7] to Ramos, et al.'s Complaint for Annulment of Title below on the grounds: (1) Ramos, et al. have no cause of action; (2) Ramos, et al. are not the proper parties to file an action for annulment of title against Manotok; (3) Fermin Ramos himself violated the rule against forum-shopping; and (4) the application for an injunctive writ and/or TRO is without basis. In support thereof, Manotok denied the allegations in Ramos, et al.'s Complaint and averred that its title was issued by the General Land Registration Office-Registry of Deeds of Laguna on November 3, 1950. The same may not therefore be collaterally attacked in this case. Manotok further averred that Ramos, et al. could not claim ownership of the subject land thru adverse possession in the concept of owner sans prior reclassification that said land is alienable.

In their Opposition to Motion to Dismiss,[8] Ramos, et al. argue that they are the proper parties to question Manotok's title as they would be injured by the latter's claim of a valid title, especially that they are not being ejected from the subject property. They further assert that the land in question is a military reservation which was only recently declared as alienable by the government. The Manotok's, therefore, have no valid title over said property.[9]

In its Reply,[10] Manotok reiterated the claim it made in its Motion to Dismiss that Ramos, et al. failed to establish that its title was obtained thru fraud or machination. It further averred that its right to the subject property cannot be overcome by mere allegations of Ramos, et al. that it occupied the property for 30 years.

On April 22, 2004, Ramos, et al. filed an Ex-Parte Urgent Motion to Resolve Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.[11]

On December 21, 2004, the date set for the hearing of the prayer for issuance of TRO and/or preliminary injunction,[12] the RTC issued an Order,[13] in open court, requiring the parties to submit their respective Memorandum after which, the matter would be submitted for resolution.

On November 30, 2005, the lower court Tendered its Decision.[14]

The Ruling of the Trial Court

In arriving at the disputed decision, the RTC 'explained:

"In Republic vs. Doldol, the requisite to acquire title to public land were laid down as follows:

' ...The original Section 48(b) of CA No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by RA No. 1942 which provided for a simple thirty year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Sec. 48(b) now reads:

(b) Those who themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by wars or force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.'

Thus, in the aforecited Republic vs. CA case, the Public Land Act requires that the applicant must prove (a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must be since time immemorial or for the period prescribed in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued.'

Clear from the above is the requirement that the applicant must prove that the land is alienable public land.

Under Article 477 of the Civil Code of the Philippines, it provides that 'the plaintiff must have legal or equitable title to, or interest in the real property which is the subject matter of the action. He need not be in possession of said property.'

In the case at bar, plaintiffs have no legal or equitable title to the land in question. Legal title means registered ownership and equitable title meant beneficial ownership. Since the plaintiffs have no legal or equitable title to the parcels of land in question, it is obvious that there is no cloud to be removed or to be prevented from being cast upon. The voice of judicial conscience calls for the dismissal of the instant action.

***. (E)ven assuming for a moment that the action is for annulment of the certificate of title, the Court finds that the plaintiffs are not the proper parties to bring the action, but rather the Solicitor General. And even assuming further that the plaintiffs are the proper parties, the action has already prescribed because the action partakes of the nature of reconveyance which prescribes after ten years. The argument that the action has not prescribed because plaintiffs are in possession of the property does not merit the consideration of the court. The argument holds true only if plaintiffs have the legal or equitable title to the property.[15] (emphasis Ours)

Plaintiffs-appellants Ramos, et al. filed a motion for reconsideration¹⁶ dated December 14, 2005 which however was denied in an Order^[17] dated October 3, 2006, Consequently, they filed a Notice of Appeal.^[18]

Issues:

In their Brief, plaintiffs-appellants assigned the following error:

"THE TRIAL COURT COMMITTED A REVERSIBLE ERROR IN ITS ASSAILED DECISION WHEN IT DISMISSED THE CASE FOR ANNULMENT OF TITLE, WHEN ON ITS FACE THE TITLE OF THE DEFENDANT-APPELLANT IS VOID AB INITIO".^[19]

Such is the issue of this case.

OUR RULING

In their Brief, Ramos, et al., now plaintiffs-appellants, fault the RTC for failing to declare TCT No. 4205 issued in 1950 as null and void. They argue that the land covered by said title was part of a military reservation that has only been recently declared open for private appropriation by President Gloria Macapagal Arroyo. The trial court should have taken judicial notice of such infirmity.

We are not persuaded.

Section 101 of Commonwealth Act No. 141 (Public Land Act) states:

"Section 101. All actions for reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth [now Republic] of the Philippines."

It is the Solicitor-General, on behalf of the government, who is by law mandated to institute an action for reversion.^[20] He has the specific power and function to "represent the Government in all land registration and related proceedings" and to "institute actions for the reversion to the Government of lands of the public domain and improvements thereon as well as lands held in violation of the Constitution."^[21] It is only the State which may institute reversion proceedings under Section 101 of the Public Land Act.^[22]

In this case, plaintiffs-appellants Ramos, et al. did not adduce any evidence of title to the subject property,

whether by judicial confirmation of title, or homestead, sale or free patent. They, therefore, cannot maintain an action for reconveyance[23] or annulment of title, as the case may be. Even if We are to assume *arguendo*, that the contested property formed part of a military reservation and has been only recently declared open for alienation by the government, thus putting into question the validity of Manotok's title acquired by its predecessors-in-interest in 1950 under a free patent, the appeal will just the same be dismissed as the plaintiff-appellants failed to show title to said property. They, therefore, are not the proper parties to file an action for annulment of title that would result in the reversion of the land to the State.

In *VSC Commercial Enterprises, Inc. vs. Court of Appeals*,[24] the Supreme Court had the occasion to identify the real party in interest in an action for reversion, viz.:

"Under Rule 3, Section 2 of the Revised Rules of Court, a real party in interest is defined as "the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. 'Interest' within the meaning of the rule means material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. The interest of the party must also be personal and not one based on a desire to vindicate the constitutional right of some third and unrelated party. Real interest, on the other hand, means a present substantial interest, as distinguished from a mere expectancy or a future, contingent, subordinate, or consequential interest.

In the case at bar, the private respondents are mere lessees of the property in question. As such, they have no present substantial and personal interest with respect to issues involving ownership of the disputed property. The only interest they have, in the event that petitioner's title over the subject property is cancelled and ownership reverts to the State, is the hope that they become qualified buyers of the subject parcel of land. Undoubtedly, such interest is a mere expectancy. Even the private respondents themselves claim that in case of reversion of ownership to the State, they only have 'pre-emptive rights' to but the subject property; that their real interest over the said property is contingent upon the government's consideration of their application as buyers of the same. It is settled that a suit filed by a person who is not a party in interest must be dismissed." (emphasis Ours)

Besides, the interest of plaintiffs-appellants over the subject property is contingent on the government's consideration of their claim on said property as alleged long-time occupants and possessors thereof in the concept of owner. More so that plaintiffs-appellants have not even claimed that they already applied for title over the property. But, even if they did so, still, as mere public land applicants, plaintiffs-appellants' interest would only be plain expectancy. It will not qualify them as proper parties to sue for the cancellation of Manotok's title acquired under a free patent and the land would still revert to the government. Such was what *Caro vs. Sucaldito*[25] held, applying Section 101, *id.*, to wit:

"Under Section 101 ***, only the Solicitor General or the officer acting in his stead may bring the action for reversion. Consequently, Sumail may not bring such action or any action which would have the effect of cancelling a free patent and the corresponding certificate of title issued on the basis thereof, with the result that the land covered thereby will again form part of the public domain. Furthermore, there is another reason for withholding legal personality from Sumail. He does not claim the land to be his private property. In fact, by his application for a free patent, he had formally acknowledged and recognized the land to be a part of the public domain; this, aside from the declaration made by the cadastral court that lot 3633 was public land. Consequently, even if the parcel were declared reverted to the public domain. Sumail does not automatically become the owner thereof. He is a mere public land applicant like others who may apply for the same." (emphasis Ours)

The above ruling applies squarely to this case. Worse, aside from the fact that plaintiffs-appellants cannot maintain an action that would result in the reversion of the land to the State, they too have not claimed that the land is their private property. Worst, the plaintiffs-appellants are not even in actual possession of the property in

question, despite their claim of possession that is "open, public, notorious peaceful and in good faith, continuous, and uninterrupted and adverse against the whole world, for a period of more than thirty (30) years".[26] They merely aver that "defendants' claim of ownership is only on the 649 square meters, while the herein plaintiffs claims (sic) the entire, 11,164 square meters which includes the 649 square meters covered by the spurious title of the defendant, as plaintiff has been occupying and only waiting that the government declares the same open for private appropriation before filing his claim for ownership of the land by acquisitive prescription." [27]

In sum, We find that the RTC did not err. in dismissing the complaint below.

WHEREFORE, the instant appeal is DISMISSED.

SO ORDERED.

Villamor and Zalameda[*], JJ., concur.

[1] Rollo pages 7-11.

[2] Branch 37, Judge Antonio T. Manzano.

[3] Rollo, page 11.

[4] Records, pages 1-8.

[5] Ibid., page 10.

[6] Judge Kathrine A. Go.

[7] Records, pages 43-54.

[8] Records, pages 76-81.

[9] Ibid., page 79.

[10] Ibid., pages 114-118.

[11] Ibid., pages 129-131.

[12] Ibid., page 155.

[13] Ibid., page 185.

[14] Records, pages 248-252.

[15] Rollo, pages 9-10.

[16] Records, pages 253-259.

[17] Ibid., pages 282-283.

[18] Ibid., page 284.

[19] Rollo, page 26.

[20] Abejaron vs. Nabasa, 359 SCRA 47, 67 (2001).

[21] Ibid.

[22] *Urquiaga vs. Court of Appeals*, 301 SCRA 738, 745 (1999).

[23] See Note 20.

[24] 394 SCRA 74, cited in *Figuration vs. Libi*, G.R. No. 155688, November 28, 2007.

[25] 458 SCRA 595, 608 (2005), citing *Sumail vs. Judge of the Court of First Instance of Cotabato* 96 Phil. 946 (1955).

[26] Complaint, page 2; Records, page 2.

[27] Plaintiffs-appellants' Brief, page 9; Rollo, page

[*] Acting Junior Member, per Office Order No. 01-10-ABR, dated February 22, 2010. 28.

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