

**ELENA G. ULEP-PRUSS AND BENEDICTA G. ULEP-WREN
REPRESENTED BY THEIR ATTORNEY-IN-FACT, CRISANTO ULEP
PASCUAL, JR., PLAINTIFFS-APPELLEES, VS. SPOUSES EMMANUEL
AND MRS. VALDOPEÑA, ...**

Ponente: LOPEZ, J.

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LOPEZ, J.:

On July 2, 2010, plaintiffs Elena Ulep-Pruss and Benedicta Ulep-Wren filed a complaint[1] for recovery of possession (accion publiciana) with damages against defendants Spouses Emmanuel[2] and Mrs. Isabel Valdopena including the other occupants of a lot situated at Block 2, Lot 2, Garland Subdivision, Session Road, Batasan Hills, Quezon City.

In their complaint, plaintiffs claim that they were the owners of the lot covered by TCT No. 219782.[3] Sometime in February 2006, when they arrived from the United States for a short visit, they discovered that defendants were occupying the lot and claiming that they bought it.[4] On August 1, 2009, plaintiffs demanded defendants to vacate the lot but they refused. Thus, a final demand letter[5] was sent on January 15, 2010 informing the defendants to vacate and to pay the monthly rental of Php10,000.00.

Answering the complaint, the defendants allege that they were in open and continuous possession of the lot since 1998.[6] They bought the lot from Ana de Guia San Pedro[7] on May 22, 2001[8] as evidenced by the Deed of Conditional Sale.[9] Defendants claim that the plaintiffs' TCT No. 219782 was spurious because its technical description referred to a land located in San Marcelino, Zambales.[10]

On December 20, 2012, the trial court ruled in favor of the plaintiffs and ordered the defendants to vacate the lot.[11] It reasoned that defendants cannot collaterally attack the authenticity of TCT No. 219782 through an accion publiciana.[12] Further, plaintiffs' certificate of title had more probative value than the unregistered Deed of Conditional Sale presented by the defendants.[13]

Defendants filed a motion for reconsideration[14] but was denied.[15] Hence, this appeal[16] assigning the following errors:

I

THE COURT A QUO GRAVELY ERRED IN DECLARING THE PLAINTIFFS-APPELLEES AS THE LAWFUL OWNER AND POSSESSOR OF THE SUBJECT PROPERTY.

II

THE COURT A QUO GRAVELY ERRED IN NOT CONSIDERING THE EVIDENCE PRESENTED BY THE DEFENDANTS-APPELLANTS PROVING THE FACT THAT THEIR OWNERSHIP OF THE SUBJECT LOT WAS DERIVED FROM ANA DE GUIA SAN PEDRO.[17]

The appeal lacks merit.

It is a settled rule that in accion publiciana, the plaintiff's objective is to recover possession of the property.[18] If

the parties raised the issue of ownership, the court may pass upon the issue only to determine who between them has the lawful right to possess the property.[19] Any adjudication involving the possession of property does not bar another action between the parties involving the same property. The pronouncement of the Supreme Court in *Tolentino, et al. v. Laurel, et al.*[20] is instructive, thus:

The objective of the plaintiffs in an *accion publiciana* is to recover possession only, not ownership. However, where the parties raise the issue of ownership, the courts may pass upon the issue to determine who between the parties has the right to possess the property. This adjudication, however, is not a final and binding determination of the issue of ownership; it is only for the purpose of resolving the issue of possession, where the issue of ownership is inseparably linked to the issue of possession. The adjudication of the issue of ownership, being provisional, is not a bar to an action between the same parties involving title to the property.

Here, both plaintiffs and defendants raised the issue of ownership. Plaintiffs claim ownership over the lot based on TCT No. 219782 registered in their names. On the other hand, defendants maintain that they are the lawful owners and possessors of the subject lot evidenced by an unregistered Deed of Conditional Sale. Between these pieces of evidence, for the purpose of rightful possession, the Torrens title has more probative value than an unregistered deed of conditional sale.

A Torrens title is evidence of indefeasible title to property in favor of the person in whose name the title appears.[21] TCT No. 219782 is conclusive evidence that plaintiffs own the lot described therein[22] and they are entitled to all the attributes of ownership including the possession of the lot.[23] Thus, as against plaintiffs' Torrens title, defendants cannot confer better right to possess based on an unregistered deed of conditional sale even if it was duly executed. This has been the consistent ruling of the Supreme Court reiterated in *Pascual v. Coronel*[24], to wit:

Even if we sustain the petitioners' arguments and rule that the deeds of sale are valid contracts, it would still not bolster the petitioners' case. In a number of cases, the Court had upheld the registered owners' superior right to possess the property. In *Co v. Militar*, the Court was confronted with a similar issue of which between the certificate of title and an unregistered deed of sale should be given more probative weight in resolving the issue of who has the better right to possess. There, the Court held that the court *a quo* correctly relied on the transfer certificate of title in the name of petitioner, as opposed to the unregistered deeds of sale of the respondents. The Court stressed therein that the Torrens System was adopted in this country because it was believed to be the most effective measure to guarantee the integrity of land titles and to protect their indefeasibility once the claim of ownership is established and recognized.

Likewise, in the recent case of *Umpoc v. Mercado*, the Court declared that the trial court did not err in giving more probative weight to the TCT in the name of the decedent vis-à-vis the contested unregistered Deed of Sale. Later in *Arambulo v. Gungab*, the Court held that the registered owner is preferred to possess the property subject of the unlawful detainer case. The age-old rule is that the person who has a Torrens Title over a land is entitled to possession thereof. (Citation Omitted).

Defendants' allegation that plaintiffs are not the real owners of the lot because TCT No. 219782 was spurious is untenable. The trial court[25] correctly ruled that a certificate of title cannot be subject to collateral attack.[26] There is collateral attack when, in another action to obtain a different relief, an attack on the judgment is made as an incident in said action.[27] On the other hand, a direct attack against a judgment is made through an action or proceeding the main object of which is to annul, set aside, or enjoin the enforcement of such judgment, if not yet carried into effect; or, if the property has been disposed of, the aggrieved party may sue for recovery. [28]

Accordingly, the collateral attack of the defendants, embodied in the present *accion publiciana*, alleging that TCT No. 219782 is spurious must be rejected. We cannot entertain defendants' claim of fraud to impugn the plaintiffs' title, lest We derogate the principle of indefeasibility of a Torrens title.[29] The issue on whether the title was

fraudulently issued can only be raised in an action expressly instituted for that purpose.[30]

FOR THE STATED REASONS, the appeal is DENIED.

SO ORDERED.

Reyes, Jr., J.C., (Chairperson) and Inting, JJ., concur.

[1] Records, pp. 3-7. Plaintiffs were represented by their Attorney-in-fact, Atty. Crisanto U. Pascual, Jr., evidenced by a Special Power of Attorney (Id., Exhibit A, p. 8).

[2] Also spelled as Emanuel in the Complaint and the Regional Trial Court Decision dated December 20, 2012.

[3] Id., p. 9.

[4] Id., p. 4.

[5] Id., p. 11.

The letter states that:

Through this letter, we formally notify you and consider this as FINAL DEMAND for you to vacate the premises, within ten (10) days, otherwise, without further notice, we will take all legal actions to enforce the right and protect the interests of our clients. We have sent earlier notice and have given you sufficient time to relocate. Should a case be filed in court, we reiterate our demand ifor(sic) you and all occupants to pay jointly and severally the amount of P10,000.00 per month as rentals effective August 01, 2009 (the date you received our first demand letter and the Barangay notified you of the owner's plan to take over the property) up to the time you actually vacate the property. xxx

[6] Id., Memorandum of Defendants, p. 110.

[7] Id., Evidenced by TCT No. 252774, p. 17.

[8] Ibid.; Testimony of Mrs. Isabel Valdopena dated February 29, 2012, p. 24.

[9] Id., Answer, p. 14.

[10] Id., Memorandum of Defendants, p. 112.

The dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants, ordering the defendants, and all persons claiming right under them to vacate the lot located at Blk. 2 Lot 2, Garland Subdivision, Session Rd. Batasan Hills, Quezon City covered by TCT No. 219782 of the Registry of Deeds of Quezon City and to peacefully turn over the possession thereof to the plaintiffs.

SO ORDERED.

[11] Id., RTC Decision dated December 20, 2012, pp. 121-124.

[12] Id., p. 123.

The trial court reasoned that:

To prove their right of possession, plaintiffs presented TCT No. 219782 (Exhibit "B"). On the other hand, defendants contested the said TCT on the ground that it allegedly covered a land located in Zambales (TSN, February 29, 2012, pages 14 and 16). They, in effect, contested TCT No. 219782 for being spurious. Defendants, however, can not assail TCT No. 219782 in this action because a Torrens Title cannot be

collaterally attacked. The issue of the validity of the title (e.g. whether or not it was issued fraudulently or in breach of trust) can only be assailed in an action expressly situated for that purpose.

To further oppose the claim of the plaintiffs, defendants contend that they possess the subject property in a concept of an owner because they acquired the subject property through a Deed of Conditional Sale from the true owner of the subject lot, Ana De Guia San Pedro (TSN, February 29, 2012, pages 25-27). The Court is not persuaded by this contention of the defendants, as no evidence to substantiate their claim was ever presented by them. Other than the testimonial evidence of defendant Isabel Valdopena, no documentary evidence had been offered by the defendants (July 24, 2012 Court's Order). Moreso, the title of the plaintiffs cannot be overcome(sic) by the Deed of Conditional Sale of the defendants because there is no allegation that the same had been registered. As opposed to the unregistered Deed of Sale, a Certificate of Title certainly deserves more probative value (Pascual v. Council, 527 SCRA 474).

[13] Ibid.

[14] Id., pp. 125-128.

[15] Id., RTC Order dated April 23, 2012, p. 135.

The dispositive portion of which reads:

WHEREFORE, premises considered, the defendants' "Motion for Reconsideration" is hereby DENIED for lack of merit.

SO ORDERED.

[16] Rollo, Defendants-Appellants' Brief, pp. 25-36.

[17] Id., p. 25.

[18] Madrid, et al. v. Spouses Bonifacio Mapoy and Felicidad Martinez, G.R. No. 150887, August 14, 2009.

[19] Ibid.

[20] G.R. No. 181368, February 22, 2012.

[21] Asuncion Urieta Vda. De Aguilar v. Spouses Alfaro, G.R. No. 164402, July 5, 2010 citing Natalia Realty, Inc. v. Court of Appeals, 440 Phil. 1, 25 (2002).

[22] Ibid.

[23] Baloloy v. Hular, G.R. No. 157767, September 9, 2004.

[24] G.R. No. 159292, July 12, 2007. Also cited in Asuncion Urieta Vda. De Aguilar v. Spouses Alfaro, supra.

[25] Supra, Note 12.

[26] P.D. 1529, Property Registration Decree,

Section 48. Certificate not subject to collateral attack. - A certificate shall not be subject to collateral attack. It cannot be altered, modified, or canceled except in a direct proceeding in accordance with law.

[27] Teoville Homeowners Association, Inc. v. Ferreira, G.R. No. 140086, June 8, 2005, 459 SCRA 459, 474, citing Noblejas and Noblejas, Registration of Land Titles and Deeds (1992 Revised Ed).

[28] Ibid., citing El Banco Español-Filipino v. Palanca, etc., 1918, 37 Phil. 921.

[29] Supra, Note 18.

[30] Halili v. Court of Industrial Relations, G.R. No. 24864, 30 May 1996, 257 SCRA 174, 184.

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