

ANATOLIA SARTE EDULLANTES JOINED BY HER HUSBAND FEDERICO EDULLANTES, GEMMA ISO SARDAN, PELAGIA SARTE ALABASTRO, VICENTE TANARA, TEODORA CATAYLO PANDAY, PERFECTO CATAYLO, PATRICI...

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HERNANDO, J:

This is an appeal interposed by plaintiffs-appellants from the Order[1] dated June 7, 2011 dismissing the Complaint and the Order[2] dated December 2, 2011 denying the Motion for Reconsideration which were issued by the Regional Trial Court (RTC), Branch 35 of Dumaguete City in Civil Case No. 14343. The court a quo granted defendants' Motion to Dismiss (by way of Affirmative Defenses raised in the Answer) on the ground of lack of jurisdiction.

The Facts

On December 8, 2008, plaintiffs commenced a case for Declaration for Inexistence/Revocation and Cancellation of Free Patent No. (VII-3)799, For Lot No. 7264, Pls. 659-D, Reconveyance and Damages against defendants over a parcel of land known as Lot No. 7264 situated in Seit, Siaton, Negros Oriental with an area of 8,851 square meters, more or less, had an assessed value of Php2,830.00.[3] They assert that they are the true owners of this parcel of land, having inherited the same from the original owner and their predecessor-in-interest, Alejandro Sarte; that this parcel of land was declared for taxation purposes since 1923 by Alejandro Sarte and the boundaries as indicated in the tax declaration history for the plaintiffs have remained unchanged; that they exercised dominion over the property since 1923 as shown by the presence of plaintiffs, tenants, farm laborers and local oversees who are residing within the property.[4]

Plaintiffs further assert that the property of the defendants is Lot No. 7263, Pls-659-D, which is located in the southern side of Lot No. 7264 as can be shown by the tax declarations showing the stated boundaries for Lot No. 7264.[5] It is thus plaintiffs' assertion that defendants erroneously applied for a free patent over Lot 7264 and even fraudulently submitted documents covering the entire portion of Lot 7264; that it was issued without any legal and factual bases and that said free patent was issued without notice to all adjoining owners.[6]

On January 28, 2009, defendants filed an Answer with Affirmative Defenses and Compulsory Counterclaim[7] where they asserted that Lot No. 7264, Pls-659-D is covered by Free Patent No. (VII-3)799 issued in the name of Florencia Palomaria, their predecessor-in-interest. They pointed out that plaintiffs were ejected from the premises by virtue of a writ of execution issued in Civil Case No. 848 by the MTC of Siaton, Negros Oriental dated July 18, 2007. They set forth as affirmative defenses the following: the property is covered by a Free Patent No. (VII-3)799 issued on June 21, 1973 in the name of Florencia Palomaria, defendants' mother and predecessor-in-interest, who was issued duly issued with Original Certificate of Title No. FV-28535 by the Register of Deeds of Negros Oriental; plaintiffs were ejected from the premises by virtue of a writ of execution and whatever cause of action plaintiffs had, if any, had prescribed.[8]

Pre-trial was conducted and the Pre-trial Order was issued on May 20, 2009.[9] Thereafter, a series of motions

were filed by the parties.

On April 19, 2010, defendants filed a Manifestation with Reiteration to the Pending Motion to Dismiss (Affirmative Defenses) on the Ground of: Lack of Jurisdiction^[10] pointing out that the assessed value of the property is less than Php20,000.00.

The Ruling of the RTC

On June 7, 2011, the RTC granted the motion to dismiss the case for lack of jurisdiction on the ground that it had no jurisdiction to entertain the case since the assessed value of the property does not exceed Php20,000.00, consistent with Sec. 3 of Republic Act No. 7691, thus:

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Even assuming that this court has jurisdiction to try and hear the case, the subject matter thereof which is Lot No. 7264, PLS 659-D has an assessed value of less than Php20,000.00 (Exhibit "T" of the Motion to Admit Compliance), and pursuant to Section 3 of Republic Act No. 7691 – An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Bilang 129, Otherwise known as the "Judiciary Reorganization Act of 1980", it is the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts that has jurisdiction thereof.

WHEREFORE, premises considered, the Motion to Dismiss (by way of the Affirmative Defenses raised in the Answer) is hereby granted. This case is hereby ordered dismissed on the ground that this court has no jurisdiction pursuant to the aforecited laws. The Urgent Motion to Declare Defendants in Indirect Contempt of Court is not treated by this court since the same has become moot.

SO ORDERED.^[11]

In its Order dated December 2, 2011, the RTC denied the reconsideration sought by the plaintiffs, hence this appeal.^[12]

The Assignment of Errors

Disheartened by the adverse judgment of the trial court, plaintiffs-appellants have appealed to this Court based on the following assignment of errors:

1. Whether or not RTC, Branch 35 of Negros Oriental patently erred in its Decision on the ground that plaintiffs-appellants had been in actual, physical, public, and adverse possession of Lot 7264, Pls-659-D for more than thirty (30) years under exclusive ownership since the year 1923; and
2. Whether or not upon the issuance of a certificate of title by virtue of a free patent the Land Management Bureau (Bureau of Lands) has still jurisdiction despite that Lot 7264 Pls-659-D, is not anymore a part of the public domain.

On the other hand, defendants-appellees raised defenses in their Brief^[13] which can be summarized as follows: (1) Section 101 of Commonwealth Act No. 141 of the Public Land Act provides that actions for reversion of free patents is instituted by the Solicitor General in behalf of the Republic and private parties cannot challenge the validity of the patent and the corresponding title issued as they have no personality to file the suit; (2) actions which involves real property the value of which does not exceed Php20,000.00 is lodged with the MTC; (3) prescription and estoppel have set in considering that the title has been issued in June 21, 1973 or more than 39 years; (4) plaintiffs were lawfully ejected from the property by virtue of a writ of execution in a case for ejectment which they (defendants) filed against plaintiffs; (5) res judicata has set in since the ruling of the MTC as regards

the possession and ownership of Florencia Palomaria, the predecessor of defendants, although raised in the Court of Appeals, was not further elevated by the plaintiffs to the Supreme Court; and, (6) plaintiffs cannot be declared as heirs of Alejandro Sarte as no extra-judicial settlement was made nor a special proceeding filed for the purpose of establishing that they are indeed the heirs of said decedent.

The Ruling of this Court

There were two grounds relied upon by the RTC in dismissing the Complaint of the plaintiffs: one, it is the Republic, through the Office of the Solicitor General, and not the plaintiffs, which is the proper party to file an action for the reversion of the free patent and the certificate of title issued to the defendants; and two, the MTC has jurisdiction to try and hear the case since the value of the property is below Php20,000.00 based on the expanded jurisdiction of the first level courts under Republic Act No. 7691.

We will now resolve the issues raised in this appeal.

In *Cavile v. Litan-Hong*,^[14] the Supreme Court held that Section 101 of Commonwealth Act No. 141 provides that all actions for the 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. Such is the rule because whether the grant of a free patent is in conformity with the law or not is a question which the government may raise, but until it is so raised by the government and set aside, another claiming party may not question it. In other words, the legality of the grant is a question between the grantee and the government. Thus, private parties cannot challenge the validity of the patent and the corresponding title, as they had no personality to file the suit.^[15]

It has also been held that a Torrens title issued on the basis of a free patent becomes indefeasible as one which was judicially secured upon the expiration of one year from date of issuance of the patent. Such indefeasibility however cannot be a bar to an investigation by the State as to how such title has been acquired, if the purpose of the investigation is to determine whether or not fraud has been committed in securing the title because one who succeeds in fraudulently acquiring title to public land should not be allowed to benefit from it.^[16]

An exception to the rule of the indefeasibility of a title is that an aggrieved party may file an action for reconveyance based on implied or constructive trust, which prescribes in 10 years from the date of the issuance of the Certificate of Title over the property, provided that the property has not been acquired by an innocent purchaser for value. And if the patentee and his successor-in-interest were never in possession thereof, the true owner may bring an action to have the ownership of or title to the land judicially settled, akin to a quieting of title. The court in the exercise of its equity jurisdiction, without ordering the cancellation of the Torrens titled issued upon the patent, may direct the defendant or the registered owner, to reconvey the parcel of land to the plaintiff who has been found to be the true owner thereof.^[17]

This last scenario is being invoked by plaintiffs in commencing this action. They claim that defendants caused the issuance of a free patent over their land when their (defendants') property was located at the southern portion of Lot No. 7264. In addition, plaintiffs assert that they were in prior and continuous possession of the litigated property, exercising dominion over it, to the exclusion of all other persons. On the other hand, defendants assert ownership of the same property on the ground that they are in lawful possession thereof and in fact, plaintiffs were lawfully ejected from the property by virtue of an ejectment complaint that they filed.

Considering that possession was legally awarded to the plaintiffs on account of the writ of execution^[18] in Civil Case No. 848,^[19] the issue as to who is the rightful possessor has been deemed settled, particularly since the Decision of the Court of Appeals in CA-GR S.P. No. 00638^[20] as to who should be the rightful possessor was

not further raised by plaintiffs to the Supreme Court.

Based on the Supreme Court's holding in *Cavile v. Litania-Hong*, it is deducible that the court a quo was correct in ruling that the revocation of a free patent and the certificate of title issued therewith, cannot be the proper subject of a petition for revocation by a private person, as what the plaintiffs have done on this case.

As to the second issue as to which court has jurisdiction based on the value of the property, plaintiffs are silent on this matter as they did not traverse this issue in their brief. Nevertheless, We deem it prudent to discuss this matter as it was the second ground that was relied upon by the trial court when it dismissed the case.

Under Batas Pambansa (BP) Blg. 129, as amended by Republic Act No. 7691, the jurisdiction of the Regional Trial Courts has been limited to real actions where the assessed value exceeds Php20,000.00 or Php50,000.00 if the action is filed in Metro Manila. If the assessed value is below the said amounts, the action must be brought before first level courts. As so amended, BP 129 now provides:

Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in Civil Cases. – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

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(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots. (Emphasis supplied)

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Consistent with jurisprudence, the assessed value is the worth or value of the property as fixed by the taxing authorities for the purpose of determining the applicable tax rate^[21] and the assessed value does not necessarily represent the true or market value of the property.^[22] Here, the tax declaration covering the property states that the assessed value of the property is less than Php20,000.00, thus rendering the suit properly cognizable by the first level courts.

Ergo, the RTC's dismissal of the case being grounded on law and established jurisprudence, We find no reversible error in respect of its assailed Orders.

WHEREFORE, this appeal is DENIED. The Orders dated June 7, 2011 and December 2, 2011 of the Regional Trial Court, Branch 35 of Dumaguete City in Civil Case No. 14343 dismissing the case is AFFIRMED. Costs against plaintiffs-appellants.

SO ORDERED.

Manahan, and Quijano-Padilla, JJ., concur.

[1] Issued by Judge Jesus B. Tinagan; RTC records, pp. 247-248.

[2] RTC records, p. 265.

[3] Complaint; RTC records, pp. 2-9.

- [4] Ibid.
- [5] Ibid.
- [6] Ibid.
- [7] RTC records, pp. 20-23.
- [8] Ibid.
- [9] RTC records, pp. 80-89.
- [10] RTC records, pp. 222-225.
- [11] RTC records, pp. 247-248.
- [12] RTC records, p. 265.
- [13] Defendants-Appellees' Brief; Rollo, pp. 35-49.
- [14] G.R. No. 179540, March 13, 2009, 581 SCRA 408.
- [15] Ibid.
- [16] Ibid.
- [17] Ibid.
- [18] Writ of Execution dated July 18, 2007; RTC records, pp. 36-37.
- [19] The case was decided by MTC Siaton, Negros Oriental.
- [20] RTC records, pp. 25-34. See also the Entry of Judgment for the case; RTC records, p. 135.
- [21] Spouses Alcantara v. Nido, G.R. No. 165133, April 19, 2010, 618 SCRA 333; Geonzon vda. de Barrera v. Heirs of Vicente Legaspi, G.R. No. 174346, September 12, 2008, 565 SCRA 192.
- [22] BF Citiland Corporation v. Otake, G.R. No. 173351, July 29, 2010, 626 SCRA 220.

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