APOLONIA ALAMO, BIENVENIDO ALAMO, JOSE ALAMO, ANASTACIA ALAMO, ROBERTO A. RONQUILLO, AND HEIRS OF PURIFICACION ALAMO, PLAINTIFFS-APPELLANTS, VS. THE PRINCIPAL OF MOLINO ELEMENTA...

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

For disposition is an Appeal[1] filed under Rule 41 of the Rules of Court, assailing the Order[2] dated March 2, 2009 of the Regional Trial Court of Bacoor, Cavite, Branch 19 (“lower court” for brevity) in Civil Case No. BCV-98-144 for “RECOVERY OF OWNERSHIP and POSSESSION WITH DAMAGES.”[3] The Appeal also questions the lower court's Order[4] dated March 1, 2010, which denied plaintiffs-appellants' eventual Motion for Reconsideration.[5]

The salient facts are as follows:

On November 18, 1998, plaintiffs-appellants Apolonia Alamo, Bienvenido Alamo, Jose Alamo, Anastacia Alamo, Roberto Ronquillo, and the Heirs of Purificacion Alamo (“plaintiffs-appellants” for brevity) filed a Complaint[6] for “RECOVERY OF OWNERSHIP and POSSESSION with DAMAGES” against defendants-appellees, the Principal of Molino Elementary School, and the Secretary of the Department of Education, Culture and Sports (“defendants-appellees” for brevity). In their Complaint,[7] plaintiffs-appellants had stated that, among others:

> “3. Plaintiffs (plaintiffs-appellants here) are the absolute owners of several adjoining lots situated at Molino, Bacoor, Cavite, containing a total area of Four Thousand Four Hundred Ninety Seven (4,497) Square meters, more or less, registered in their names under Transfer Certificates of Title Nos. T-209019, T-223386, T-223387, T-223388, T-223389, T-223390, T-223391 and T-223392, of the Registry of Deeds of Cavite. xxx;
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> 4. Plaintiffs inherited the aforementioned parcels of land from their late parents, spouses Crisanto Alamo and Salud Manawit, who died intestate;
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> 5. Sometime in the year 1948, when said properties were yet registered in the name of Spouses Crisanto Alamo and Salud Manawit although they were already dead, local school officials of Bacoor, Cavite, led by their principal, entered the premises and started erecting a school building therein and upon the request of then Barangay Captain of Molino, Bacoor, Cavite, plaintiffs allowed the school [Molino Elementary School] to occupy a portion of the aforementioned lot, for free, subject to the condition however, that the school will later on be transferred to a government lot and possession of the lot will be returned to the plaintiffs upon the latters' demand;
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> 6. Even after the ownership of the property had already passed by way of inheritance to the plaintiffs and individual titles were issued in their names, defendant school has not moved to another land as promised, but instead expanded the area being occupied by it by intruding further upon the other seven (7) lots xxx of the plaintiffs, having constructed thereon various concrete buildings without the knowledge and consent of herein plaintiffs;

> 7. Having realized that they were deceived and that their tolerance on the defendant's occupation of their land had been abused, plaintiffs then served upon the defendants a notice that they could no longer tolerate the continued stay of the school on their land and in letters dated October 30, 1991 and January 16, 1992, plaintiffs formally demanded that the defendants relocate the school to another lot and surrender possession thereof to the plaintiffs or to pay the fair value thereof to the latter. xxx
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> 8. A complaint for ejectment was filed by plaintiffs against defendants with the Municipal Trial Court of Bacoor, Cavite, docketed as Civil Case No. 1241. The same however was dismissed on technicality, the trial court, as well as the appellate court, having ruled that a summary action for ejectment is not the proper remedy available to the plaintiffs;
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> 9. Despite said demands, defendant school officials unjustly failed and refused, as in fact, they still fail and refuse, to vacate the premises and surrender possession thereto to the plaintiffs and instead, defendants are now claiming ownership of the land in question."[8] (Emphasis supplied)

On May 12, 1999, defendants-appellees, through the Office of the Solicitor General (OSG), filed their "ANSWER (with Counterclaim)"[9] to plaintiffs-appellees' Complaint.[10] Defendants-appellees stated that, among others:

> "10. The instant complaint is barred by prior judgment. Plaintiffs are the same parties in Civil Case No. 1241 who instituted the complaint involving the same issue of possession over the same property against herein defendants before the Municipal Trial Court of Bacoor, Cavite. The aforesaid court in its Decision dated February 4, 1993 adjudged the possession and ownership in favor of defendants, which was subsequently affirmed by the Regional Trial Court of Bacoor, Cavite and the Court of Appeals.
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> 11. This Honorable Court has no jurisdiction to take cognizance over the case considering that the complaint failed to indicate the jurisdictional value of the property sought to be recovered. It is mandatory to state the assessed value of the property in an action for recovery of possession of real property, for it is the amount of the property involved that determines which court, either Regional Trial Court or Municipal Trial Court, has jurisdiction over the claim;
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> 12. Plaintiffs are guilty of estoppel and laches. Notwithstanding the fact that more than 40 years had elapsed since the entry of Molino Elementary School over the subject premises in 1947, plaintiffs never bothered to seek recovery of possession of the property concerned;
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> 13. The Certificates of Title were obtained through fraud, deception and machination.
>
> 14. Plaintiffs have no cause of action against defendants."[11] (Emphasis supplied)

After plaintiffs-appellants filed their Formal Offer of Exhibits,[12] defendants-appellees filed a "DEMURRER TO EVIDENCE"[13] dated February 7, 2008 on ground that "THE FACTS AND THE LAW DO NOT SHOW PLAINTIFFS' RIGHT TO THE RELIEF."[14]

On March 2, 2009, the lower court issued its first assailed Order[15] granting defendants-appellees' Demurrer to Evidence. The dispositive portion of the Order decreed:

> "WHEREFORE, premises considered, public defendant's Demurrer to [E]vidence is hereby GRANTED and plaintiffs' Complaint is hereby DISMISSED for insufficiency of evidence and for lack of merit.
>
> SO ORDERED."[16] (Emphasis made in the original)

After plaintiffs-appellants' Motion for Reconsideration[17] was denied by the lower court in its second assailed Order[18] dated March 1, 2010, plaintiffs-appellants filed the Appeal[19] at bench praying that:

> "WHEREFORE, it is most respectfully prayed that the Orders dated March 2, 2009 and March 1, 2010 of the RTC in Civil Case No. BCV 98-144, be set aside, and a new one be issued and the case decided on the merits

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> on the basis of the evidence already adduced by the Plaintiffs-Appellants.
>
> OTHER RELIEFS, just, proper and equitable, are also prayed for."[20]

Plaintiffs-appellants raised the following assignment of errors:

> "6.A. The RTC erred in granting the demurrer to evidence...
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> 6.A.1. ...based on res judicata, or based on the decisions rendered in an ejectment action.
>
> 6.A.2. ...based on the ground of laches.
>
> 6.A.3. ...based on grounds that were already passed upon all the way up to the Supreme Court.
>
> 6.A.4. ...without referring to the testimonial and documentary evidence submitted by the Plaintiffs-Appellants to prove its ground that 'the facts and the law do not show plaintiffs' right to the relief prayed for.'"[21]

Contrary to plaintiffs-appellants arguments in their assignment of error 6.A.2, plaintiffs-appellants' cause of action was already barred by laches.

On this matter, plaintiffs-appellants had argued that:

> "10. On the issue of laches and prescription, it is also undeniably true that the ruling of the RTC finding that laches already set in here is also erroneous, with due respect;

xxx

> 19. There is also no merit to the claims of the Defendant that Plaintiffs may now [b]e barred by laches from recovering ownership and possession of the parcel of land subject matter of the above-titled case.
>
> 20. Defendant, however, is conveniently overlooking and ignoring the fact that Plaintiffs' cause of action in the above-titled case is recovery of ownership and possession grounded on tolerated possession.
>
> 21. Such being the case, it is not correct for the Defendant to assert that Respondents are now 'barred from recovering possession of the school by virtue of laches.'"[22] (Emphasis supplied)

Overcoming plaintiffs-appellants arguments however, is that defendants-appellees had been in continuous possession and enjoyment of the subject property since 1948, or for more than fifty (50) years.[23] Plaintiffs-appellants' unreasonable delay to assert their rights over the subject property and to question defendants-appellees' occupation and possession of the subject property warrants a presumption that plaintiffs-appellants had already abandoned their rights, assuming they had any, over the subject property. This was as also found by the lower court in its assailed Order[24] dated March 1, 2010, to wit:

> "Assuming arguendo that res judicata does not apply in the above-entitled case, laches would still bar plaintiffs from belatedly asserting their claim. The defense of laches, which is a question of inequity in permitting a claim to be enforced, applies independently of prescription, which is a question of time. Considering the undisputed facts, not only had laches set in when plaintiffs instituted their action for recovery of possession in 1998, but their right to enforce their action had already prescribed as well. As defendants have been in continuous possession and enjoyment of the disputed land since 1948, a length of time that has never been questioned, there can be no doubt that they obtained title to it by prescription."[25] (Emphasis supplied)

Rights and actions of a party, such as plaintiffs-appellants, could be barred by laches if such party fails or neglects for an unreasonable length of time to assert these rights and actions. That this is so is pursuant to the pronouncement of the Supreme Court in Department of Education, Division of Albay v. Onate, G.R. No. 161758, June 8, 2007, to wit:

> "Petitioner strongly asserts that the Municipality of Daraga, Albay had continuous, open, and adverse possession in the concept of an owner over the disputed lot since 1940 until December 21, 1988 or for about 48 years. xxx
>
> When petitioner received the lot as donation from the Municipality on December 21, 1988, it possessed the subject lot also in the concept of an owner and continued to introduce improvements on the lot. Consequently, when respondent instituted the instant case in 1993, petitioner and its predecessor-in-interest Municipality of Daraga, Albay had possessed the subject lot for a combined period of about fifty two (52) years.
>
> xxx
>
> Indeed, it is settled that rights and actions can be lost by delay and by the effect of delay as the equitable defense of laches does not concern itself with the character of the defendant's title, but only with plaintiff's long inaction or inexcusable neglect to bar the latter's action as it would be inequitable and unjust to the defendant.
>
> Laches is defined as the failure or neglect, for an unreasonable and unexplained length of time, to do that which—by the exercise of due diligence—could or should have been done earlier. Verily, laches serves to deprive a party guilty of it to any judicial remedies. Its elements are: (1) conduct on the part of the defendant, or of one under whom the defendant claims, giving rise to the situation which the complaint seeks a remedy; (2) delay in asserting the complainant's rights, the complainant having had knowledge or notice of the defendant's conduct as having been afforded an opportunity to institute a suit; (3) lack of knowledge or notice on the part of the defendant that the complainant would assert the right in which the defendant bases the suit; and (4) injury or prejudice to the defendant in the event relief is accorded to the complainant, or the suit is not held barred." (Emphasis supplied)

Considering that plaintiffs-appellants' cause of action was already barred by laches, there is no need to discuss plaintiffs-appellants' arguments in their assignment of errors 6.A.1 and 6.A.3 regarding the propriety of the lower court's Order[26] which granted defendants-appellees' Demurrer to Evidence[27], and which in effect dismissed plaintiffs-appellants' Complaint.[28] Their resolution can only ensue from or adhere to the resolution that the lower court properly dismissed plaintiffs-appellants' Complaint[29] based on laches, which resolution in turn supports the assailed Orders. Resolving such assigned errors will no longer change the outcome of the Appeal.

In addition, plaintiffs-appellants were already barred from raising in their assignment of error 6.A.4 that the lower court's assailed Order[30] dated March 2, 2009 was invalid on the ground that the Order[31] did not contain a statement of the facts and the law upon which the Order was based. This is because as the records revealed, such issue was not raised as a ground by plaintiffs-appellants in their Motion for Reconsideration[32] before the lower court. This is in violation of the well-entrenched rule that no new issues can be raised for the first time on appeal, so much so that any such issues should therefore not be considered. This was as enunciated by the Supreme Court in Ayala Land, Inc. and Capitol Citifarms, Inc. v. Castillo, et al., G.R. No. 178110, June 15, 2011, as follows:

> "We cannot uphold respondents' proposition for us to disregard basic rules, particularly the rule that new issues cannot be raised for the first time on appeal. xxx
>
> It is well established that issues raised for the first time on appeal and not raised in the proceedings in the lower court are barred by estoppel. Points of law, theories, issues, and arguments not brought to the attention of the trial court ought not to be considered by a reviewing court, as these cannot be raised for the first time on appeal. To consider the alleged facts and arguments belatedly raised would amount to trampling on the basic principles of fair play, justice, and due process. More important, if these matters had been raised earlier, they could have been seriously examined by the administrative agency concerned." (Emphasis supplied; Italics made in the original)

Thus, after careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is made on these matters.

GIVEN ALL THESE, the Appeal is DENIED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

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[1] Rollo, pp. 21-43.

[2] Rollo, pp. 46-47.

[3] Records, pp. 1-5.

[4] Rollo, pp. 44-45.

[5] Rollo, pp. 48-53.

[6] Records, pp. 1-5.

[7] Records, pp. 1-5.

[8] Records, pp. 2-3.

[9] Records, pp. 45-51.

[10] Records, pp. 1-5.

[11] Records, pp. 47-48.

[12] Records, pp. 329-331.

[13] Records, pp. 349-357.

[14] Records, p. 349.

[15] Rollo, pp. 46-47.

[16] Rollo, p. 47.

[17] Rollo, pp. 48-53.

[18] Rollo, pp. 44-45.

[19] Rollo, pp. 21-43.

[20] Rollo, pp. 41-42.

[21] Rollo, pp. 28-29.

[22] Rollo, pp. 37-38.

[23] Records, pp. 2; 239, and; 246.

[24] Rollo, pp. 44-45.

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[25] Rollo, p. 45.

[26] Rollo, pp. 46-47.

[27] Records, pp. 349-357.

[28] Records, pp. 1-5.

[29] Records, pp. 1-5.

[30] Rollo, pp. 46-47.

[31] Rollo, pp. 46-47.

[32] Rollo, pp. 48-53.

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