

NESTOR A. VOCALAN, PLAINTIFF-APPELLANT, VS. HEIRS OF PEDRO LIPIO, NAMELY: LANI F. LIPIO-POON, LORNA LIPIO AND REYNALDO LIPIO, DEFENDANTS-APPELLEES.

Ponente: LANTION, J.A.C., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/efc6079e1f62/>

LANTION, J.A.C., J.:

Before Us is an appeal from the Decision[1] dated 27 January 2014 of the Regional Trial Court of Binangonan, Rizal, Branch 67 (“court a quo” for brevity) in Civil Case No. 11-026, the dispositive portion of which reads:

“In light of this, we DISMISS the complaint for lack of proof and merit. All claims and counterclaims for damages and attorney’s fees are DISMISSED for lack of basis. No pronouncement as to costs.

SO ORDERED.”

FACTS

On 13 July 2011, plaintiff-appellant Nestor A. Vocalan (“plaintiff-appellant” for brevity) filed a Complaint[2] for recovery of possession and damages against defendants-appellees Lerma, Lani and Reynaldo, all surnamed Lipio[3] (“defendants-appellees” for brevity) before the court a quo, alleging as follows:

“3. That plaintiff Nestor A. Vocalan, together with his brothers Benjamin A. Vocalan, Josefino A. Vocalan, Leonito A. Vocalan and Herbert H. Vocalan in representation of the Heirs of Emmanuel A. Vocalan, and sister Elena A. Vocalan, are all co-owners of a residential land consisting of more or less twenty-five (25) square meters fronting No. 62 Capt. Allano Street, Brgy. Bagumbayan, Angono, Municipality, Rizal Province and wherein the plaintiff is the designated administrator for his brothers and sisters, as evidenced by a “General Power of Attorney”;

4. That sometime in August 19, 1949, plaintiff’s father Rafael Vocalan bought from Caridad, Natividad, and Leonides, all surnamed Bautista, a parcel of residential land consisting of more or less 119.09 square meters, as shown by a “Deed of Sale of Unregistered Land” a xerox copy is hereto attached as Annex “A”, and the corresponding Tax Declaration No. 1341 was issued to Rafael Vocalan by the Province of Rizal Office of the Assessor on December 15, 1949, a xerox copy is hereto attached as Annex “B”;

5. That sometime in the year 1970, the Provincial Government of Rizal bought/acquired from plaintiff’s father Rafael Vocalan, eighty-four (84) square meters of the 119.09 square meters for the street named “Capt. Allano” leaving to plaintiff’s father 35 square meters of land covered by Tax Declaration Nos. 5284 (for 1974), 02-0384 (for 1979), A-0007-0147 (for 1995) and replaced with A-003-0681 (for 1995), xerox copies are hereto attached as Annexes “B-1”, “B-2”, “B-3”, respectively;

6. That during the Cadastral Survey of Angono in 1985, the defendants claimed without the knowledge, consent and presence of plaintiff’s father the 35 square meters of land adjacent to the defendants (sic) land and fronting Capt. Allano Street as their own, xxx

7. That the plaintiff filed a Protest with the DENR, Regional Office No. IV-A Calabarzon against Pedro Lipio,

as the latter was able to have the consolidation of the 35 square meters lot to his (sic) Pedro Lipio's lot as (Lot No, 765, Cad. 687-D, Plan AP 04-012-785), and the plaintiff was able to have the same cancelled as shown by the "Order" [dated 16 March 2011] of the DENR in Case No. IV-5929, a xerox copy is hereto attached as Annex "C", which Order had become "final and executory" after running the gamut of appeals to the Court of Appeals and Supreme Court by the defendants;

8. That since December 12, 2006 when the Order became final and executory (Annex "C"), the defendants had adamantly refused and without reason to return the possession of the said 35 square meters to the plaintiff and remove/demolish the concrete fence and fence structure occupying the question (sic) lot, despite repeated notices send (sic) to the defendants, the last which (sic) was send by the undersigned counsel by registered mail, as shown by xerox copies of the "Demand Letter" dated April 28, 2011, "Registry Receipt No. 006293 of the Quezon City Hall Post Office", and "Registry Return Receipt"/Card dated received on May 17, 2011, hereto marked as Annexes "D", "D-1" and "D-2", respectively;

9. That since the final and executory "Order" of the DENR on December 12, 2006, the herein defendants had resisted on several occasions the implementations of said Order by preventing the CENRO Antipolo City to perform their duty to take a survey and restore the plaintiff in peaceful possession of the more or less twenty-five (25) square meters parcel of land which the defendants had without reason withheld from the plaintiff, with the last incident occurring on May 27, 2011, as recorded by the Office of the Barangay of Bagumbayan, Angono Municipality, Rizal Province, a xerox copy consisting of two (2) pages, which are hereto attached as Annexes "E" and "E-1", respectively;

xxx"

For their part, defendants-appellees, in their Answer,[4] materially denied the allegations of plaintiff-appellant. Defendants-appellees averred that the Resolution dated 04 September 2006 of the Department of Environment and Natural Resources (DENR) was unclear and unexecutable for the following reasons:

"a) The dispositive portion referred to the "subject land" that has been consolidated to Lot 765, Cad 67-D but it did not mention what "subject land" that is;

b) It ordered the cancellation of Plan AP-04-012785 and thereafter the verification/segregation and consolidation/subdivision of Lot 765, Cad-687-D and yet it did not state what is that to be verified and segregated therefrom; what is to be consolidated with Lot 765, Cad-687-D; and how will the consolidation and subdivision of Lot 765, Cad-687-D be effected"

Furthermore, defendants-appellees averred that the "veracity of the 25 or 35.09 square meters" being claimed by plaintiff-appellant is still yet to be determined by the DENR because they have a pending Motion for Reconsideration of the Order dated 16 March 2011 with the DENR when plaintiff-appellant filed his Complaint.[5]

Thereafter, trial on the merits ensued and both parties presented their respective evidence supporting their claim.

On 27 January 2014, the court a quo ruled in favor of defendants-appellants, ratiocinating in this wise:

"xxx Plaintiff erred in relying on the DENR's Order upholding his protest because even that is unclear since it refers to 25 square meters of land. Besides we are not bound by the DENR's findings since the relief sought is judicial and not administrative. Plaintiff should have presented the same evidence which made the DENR conclude in his favor for our own independent perusal because plaintiff's complaint here is a totally new creature from his DENR protest. Hence, plaintiff clearly failed to meet his onus probandi on the land's identity."[6]

Hence, this appeal.

ASSIGNMENT OF ERROR

Plaintiff-appellant raises this lone error:

WHETHER THE COURT A QUO CORRECTLY HELD THAT THE DECISION OF THE DENR (Regional Office No. IV-A) MAY NOT BE EXECUTED DESPITE ITS HAVING ATTAINED FINALITY BECAUSE PLAINTIFF-APPELLANT HAD NOT SATISFACTORILY PROVED THE IDENTITY OF THE PARCEL OF LAND BEING CLAIMED.[7]

OUR RULING

Plaintiff-appellant avers that the court a quo erred in dismissing his Complaint because he has satisfactorily proved the identity of the parcel of land subject of the instant case.⁸

The instant appeal fails.

Plaintiff-appellant's Complaint for Recovery
of Possession Should Be Dismissed
for Lack of Jurisdiction

At the outset, Rule 9, Section 1 of the Rules of Court allows courts to dismiss cases *motu proprio* on any of the enumerated grounds — (1) lack of jurisdiction over the subject matter; (2) *litis pendentia*; (3) *res judicata*; and (4) prescription — provided that the ground for dismissal is apparent from the pleadings or the evidence on record. Such a dismissal may be ordered at any time even on appeal.^[9]

To be specific, lack of jurisdiction means absence of or no jurisdiction, that is, the court should not have taken cognizance of the petition because the law does not vest it with jurisdiction over the subject matter. The question of whether a court has jurisdiction over the subject matter can be answered simply by determining if on the basis of the complaint or petition the court has, under the law, the power to hear and decide the case.^[10]

Here, We are constrained to dismiss the instant Complaint for failure to allege the assessed value on the ground of lack of jurisdiction.

Batas Pambansa (B.P.) Blg. 129 was amended by Republic Act (R.A.) No. 7691,^[11] effective 15 April 1994.^[12] Section 1 of R.A. No 7691 provides that the regional trial court (RTC) shall exercise exclusive original jurisdiction on the following actions:

Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980," is hereby amended to read as follows:

Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction:

(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty Thousand Pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty Thousand Pesos (P50,000.00), except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts; xxx

Section 3 of R.A. No. 7691 expanded the exclusive original jurisdiction of the first level courts provided under Batas Pambansa (B.P.) Blg. 129, thus:

Section 3. Section 33 of the same law [BP Blg. 129] is hereby amended to read as follows:

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:

x x x

(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.

In other words, R.A. No. 7691 expanded the jurisdiction of the municipal trial court (MTC) to include other actions involving title to or possession of real property (accion publiciana and reivindicatoria) where the assessed value of the real property involved does not exceed Fifty Thousand Pesos (Php50,000.00) in Metro Manila, and Twenty Thousand Pesos (Php20,000.00) outside of Metro Manila. Because of the enactment of R.A. No 7691 the test of whether an action involving possession of real property has been filed in the proper court no longer depends solely on the type of action filed but also on the assessed value of the property involved. More specifically, since MTCs now have jurisdiction over accion publiciana and accion reivindicatoria (depending, of course, on the assessed value of the property), jurisdiction over such actions has to be determined on the basis of the assessed value of the property.[13]

Indeed, the issue on assessed value as a jurisdictional element in this case was not raised by the parties nor threshed out in their pleadings. Be that as it may, We can motu proprio consider and resolve this question because jurisdiction is conferred only by law. It cannot be acquired through, or waived by, any act or omission of the parties.[14]

It should be stressed that what determines and confers the jurisdiction of the court is the nature of the action pleaded as appearing from the allegations in the complaint. The averments in the complaint and the character of the relief sought are the ones to be consulted.[15] Thus, the Supreme Court declared in no uncertain terms that a complaint must allege the assessed value of the real property subject of the complaint or the interest thereon to determine which court has jurisdiction over the action.[16]

In Quinagoran vs. Court of Appeals,[17] the Supreme Court dismissed respondent's complaint for failure to allege the assessed value of the real property, and declared all the proceedings before the RTC null and void.

To stress, the Complaint failed to allege the assessed value of the subject property. There is therefore no showing on the face of the Complaint that the court a quo has exclusive jurisdiction over the action of plaintiff-appellant. It is settled that absent any allegation in the complaint of the assessed value of the property, it cannot be determined whether the RTC or the MTC has original and exclusive jurisdiction over plaintiff-appellant action. The courts cannot take judicial notice of the assessed or market value of the land.[18]

Even if We consider the annex attached to the Complaint, particularly the Declaration of Real Property, as the basis for the jurisdiction of the court a quo, the Complaint should still be dismissed. In said Declaration of Real Property, the total assessed value of the thirty-five (35) square meters of residential land appearing therein is only Two Thousand One Hundred Ten Pesos (Php2,110.00) only,[19] which should fall within the jurisdiction of the MTC and not of the court a quo.

Considering that plaintiff-appellant failed to allege in his Complaint the assessed value of the subject property and inasmuch as the assessed value of the lot stated in the Declaration of Real Property is only Two Thousand One

Hundred Ten Pesos (Php2,110.00), the court a quo, therefore, did not acquire jurisdiction over the subject matter of the case. Consequently, all proceedings conducted by the court a quo are null and void.

With the above considerations, We find it unnecessary to belabor on the other issue raised in the appeal.

WHEREFORE, the instant appeal is hereby DENIED. The Decision dated 27 January 2014 of the Regional Trial Court of Binangonan, Rizal, Branch 67 in Civil Case No. 11-026 is declared NULL and VOID. The Complaint in Civil Case No. 11-026 is DISMISSED without prejudice.

SO ORDERED.

De Leon, M.M., Chairperson and Antonio-Valenzuela, N.G., JJ., concur.

[1] Decision penned by Judge Dennis Patrick Z. Perez; Records, pp. 276-277.

[2] Records, pp. 1-4.

[3] And all persons claiming rights under them

[4] Records, pp. 75-83.

[5] Ibid.

[6] Records, pp. 276-277.

[7] Rollo, p. 12.

[8] See Appellant's Brief; Rollo, pp., 21-49.

[9] RCBC vs. Hilario, G.R. No. 160446, September 19, 2012.

[10] Barco vs. Court of Appeals, G.R. No. 120587, January 20, 2004.

[11] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.

[12] See Padlan vs. Dinglasan, G.R. No. 180321, March 20, 2013.

[13] Cruz vs. Cruz, .R. No. 172217,. September 18, 2009.

[14] Ibid.

[15] Padlan vs. Dinglasan, G.R. No. 180321, March 20, 2013.

[16] Ibid.

[17] G.R. No. 155179, August 24, 2007.

[18] Ibid.

[19] Records, p. 11.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.