

**E. ROMMEL REALTY AND DEVELOPMENT CORPORATION, AS
SUBROGEE OF ANTONINA GUIDO, MAURO CASTANEDA, MARGARITA
GUIDO, GRACIANO L. AMANTE, FELIZA GUIDO, ANTONIO AQUINO,
CRISANTA GUIDO, ...**

G.R. NO. 127636. November 24, 2006

Ponente: CORONA, J.

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CORONA, J.:

This is a petition for review on certiorari[1] of the September 19, 1996 decision[2] and November 15, 1996 resolution[3] of the Court of Appeals in CA-G.R. SP No. 41305.

This controversy stemmed from a case decided by this Court entitled *Republic v. CA*[4] which is already in its execution stage in the court of origin. Given that the resolution of the present dispute will inevitably take into consideration our pronouncements in said case, a brief background is in order.

In 1979, the Republic of the Philippines, through the Solicitor General, filed a complaint for declaration of nullity of Decree No. 6145, the owner's duplicate copy of Transfer Certificate of Title (TCT) No. 23377 in the names of Francisco and Hermogenes Guido[5] and all titles derived from the decree.[6] This case was docketed as Civil Case No. 34242 of the former Court of First Instance[7] of Rizal.[8] These documents covered a vast area of land called "Hacienda Angono" located in Binangonan, Rizal.[9] The Republic alleged that said documents were false, spurious, fabricated and never issued by virtue of judicial proceedings for the registration of land.[10] The trial court dismissed the complaint and declared Decree No. 6145 and TCT No. 23377 genuine and authentic.[11] This was affirmed by the CA.[12]

In his motion for reconsideration, the Solicitor General prayed for an alternative judgment declaring the decree and its derivative titles authentic except with respect to such portions of the property which were either: (1) possessed and owned by bona fide occupants who had already acquired indefeasible titles thereto or (2) possessed and owned by bona fide occupants and their families with lengths of possession which amounted to ownership.[13] This motion was denied.[14]

When elevated to us, the same prayer for alternative judgment was presented.[15] This time, all the private respondents therein accepted the alternative prayer of the Solicitor General.[16]

In our decision in *Republic v. CA*,[17] we upheld the findings of the courts below that Decree No. 6145 and TCT No. 23377 were authentic.[18] However, we also took into consideration the fact that the private respondents therein unanimously accepted the alternative prayer of the Solicitor General:

Moreover, conscious of the resulting "[large-scale] dispossession and social displacement of several hundreds of bona fide occupants and their families" which the Solicitor General pointed out, the private respondent[s] agreed unanimously to accept the alternative prayer of the petitioner in their joint memorandum. This

agreement by private respondents takes the form of a waiver. Though a valid and clear right over the property exists in their [favor], they seemingly have voluntarily abandoned the same in favor of: 1) those who possessed and actually occupied specific portions and obtained torrens certificates of titles, and 2) those who possessed certain specific portions for such lengths of time as to amount to full ownership. The waiver, not being contrary to law, morals, good customs and good policy, is valid and binding on the private respondents.

However, with respect to the second set of possessors, whose alleged bona fide occupancy of specific portions of the property is not evidenced by Torrens Titles, it is imperative that their claims/occupancy be duly proven in an appropriate proceeding.[19]

Thus, the dispositive portion of the decision read:

ACCORDINGLY, the decision of the [CA] in CA-G.R. No. 12933 is AFFIRMED subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with length of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding.

SO ORDERED.[20]

This present petition was brought to us by petitioner E. Rommel Realty and Development Corporation which is claiming to be the subrogee of the rights and interests of Antonina Guido, et al.[21] Respondent Sta. Lucia Realty and Development Corporation is the owner-developer of Greenridge Executive Village,[22] a subdivision project located within the land covered by TCT No. 23377. It claims to have obtained its title from the heirs of Francisco and Honorata de la Cruz.[23]

Pursuant to our decision, the Regional Trial Court (RTC) of Pasig City, Branch 155, issued on July 21, 1994 a writ of possession directing the branch sheriff to place Guido, et al. in possession of "portions of the property which were not occupied either by bona fide occupants with registered titles or bona fide occupants with lengths of possession which had ripened to ownership and the portions occupied by squatters." [24]

It appears that respondent was in possession of a certain parcel of land[25] situated in front of the Greenridge Executive Village where its main gate is located, linking the subdivision to the national highway.[26] On February 29, 1996, a notice to vacate was served on respondent giving it five days to vacate this parcel of land. Consequently, on April 11, 1996, respondent filed an urgent motion to quash the writ of possession dated July 21, 1994 claiming that it had been a bona fide occupant and possessor of the 29,999 sq. m. lot for a period of time which, by itself and through its predecessors-in-interest, had already ripened into ownership.[27]

The RTC, in an order dated July 12, 1996, denied this motion, along with the other motions filed by other entities.[28] It held that respondent should ventilate its claim in an appropriate proceeding separate and distinct from the case (Civil Case No. 34242) where the writ of possession was issued.[29] It stated that its duty to execute the decision in *Republic v. CA*, as the court of origin, was purely ministerial and it could not, on mere motion of respondent, interpret or qualify such decision. Accordingly, on July 15, 1996, a second alias writ of possession and second notice to vacate were issued.[30]

Aggrieved, respondent filed a petition for certiorari and prohibition with the CA. It was granted in a decision promulgated on September 19, 1996. In this ruling, it appears that the CA agreed with the RTC that the rights of respondent had to be decided in an independent and separate proceeding and could not simply be addressed in the proceeding for execution.[31] However, it held that in the execution of the judgment, the RTC deprived respondent of its right to present evidence in order to prove the character of its possession of the land in dispute.[32] As a result, the CA set aside and declared null and void the July 12, 1996 order (denying respondent's urgent motion to quash the writ of possession) and July 15, 1996 second alias writ of possession.[33]

Hence, this petition.

At its core, this controversy boils down to one main issue: whether or not petitioner was entitled to a writ of possession of the 29,999 sq. m. lot (hereinafter referred to as "the property") possessed and claimed by respondent.

To resolve this issue, there is a need to revisit our ruling in *Republic v. CA*. As already stated, we ruled there that, as Decree No. 6145 and TCT No. 23377 were authentic documents, Guido et al. had incontrovertible title to the land. Nevertheless, Guido et al., through their waiver, were also considered to have abandoned their right in favor of two sets of occupants: (1) those who possessed and actually occupied specific portions and obtained Torrens Certificates of Titles and (2) those who possessed certain specific portions for such a length of time as to amount to full ownership, to be determined in an appropriate proceeding.[34]

Petitioner argues that it was entitled to a writ of possession because respondent was not able to prove in appropriate proceedings that it fell within the second set of qualified occupants. It asserts that what the *Republic v. CA* decision contemplated was a final and executory judgment declaring respondent's possession to be bona fide and to have ripened into ownership as of March 29, 1976.[35]

Respondent, on the other hand, admits that it did not yet have a certificate of title over the property. [36] But it contends that through its predecessors-in-interest, it had already established, in an appropriate application for registration of title, that it was within the second set of possessors. It claims that its predecessors-in-interest, the heirs of de la Cruz, had instituted this application docketed as L.R.C. No. 049-B before RTC, Binangonan, Rizal, Branch 69.[37] The Land Registration Authority submitted to the land registration court a supplementary report dated October 10, 1992 recommending the segregation of the lot of the heirs of de la Cruz from TCT No. M-00850 (derived from TCT No. 23377)[38] and the issuance of a new certificate of title in their favor.[39] On March 18, 1993, the land registration court issued a resolution [40] declaring the vested right of the heirs of de la Cruz (whose length of possession was peaceful, notorious and in the concept of an owner from 1940 up to the promulgation of the decision) had ripened into ownership.[41]

We uphold the ruling of the CA that the writ of possession of the disputed property should be nullified.

In order to execute our decision in *Republic v. CA*, which has long become final and executory, petitioner, as alleged subrogee of Guido et al., was issued a writ of possession over the land covered by TCT No. 23377. Indisputably, in upholding the authenticity of the certificate of title, we recognized Guido, et al.'s right of ownership over the land. However, at the same time, our decision also very clearly imposed a limitation to their right over the land. We stated that:

Though a valid and clear right over the property exists in their [favor], they seemingly have voluntarily abandoned the same in favor of: 1) those who possessed and actually occupied specific portions and obtained torrens certificates of titles, and 2) those who possessed certain specific portions for such lengths of time as to amount to full ownership. The waiver, not being contrary to law, morals, good customs and good policy, is valid and binding on the private respondents.[42]

Thus, in the dispositive portion of the decision, we affirmed that TCT No. 23377 was authentic but "subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with length of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding." [43]

We agree that respondent had already proven its claim in an appropriate proceeding. In L.R.C. No. 049-B, initiated by the heirs of de la Cruz (the predecessors of respondent), it was shown that the possession of applicant

heirs had already ripened to ownership[44] as of March 29, 1976.[45] This ruling inured to respondent's benefit.

The records do not show that respondent ever obtained a certificate of title over the disputed property. [46] Nevertheless, the right of ownership of respondent's predecessors-in-interest had been recognized. As the purchaser of the property, respondent became the owner of the property and acquired the right to exercise all the attributes of ownership, including the right to possession (*jus possidendi*).[47] Respondent, who was in actual possession of the property before the writ of possession was implemented, possessed it as owner of the property. It can thus rightfully assert its right of possession which is among the bundle of rights enjoyed by an owner of a property under Art. 428 of the New Civil Code.[48]

Hence, respondent can rightfully claim the superior rights we acknowledged in *Republic v. CA* and the CA correctly nullified petitioner's writ of possession insofar as it affected the property in the possession of respondent.

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

[*] Interport Resources and the Register of Deeds of Rizal were named as co-defendants of Guido et al. in the Regional Trial Court. However, only the E. Rommel Realty and Development Corporation, as subrogee of Guido et al. appealed the case to the Court of Appeals (CA) and, thereafter, to this Court.

[**] The present petition impleaded the CA as respondent. However, under Rule 45, Section 4 of the Rules of Court, the petition may be filed without impleading the lower courts and judges thereof as petitioners or respondents. Hence, the Court deleted it from the title.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Artemon D. Luna (retired) and concurred in by Associate Justices Ramon A. Barcelona (retired) and Salvador J. Valdez, Jr. (retired) of the Special Thirteenth Division of the Court of Appeals; rollo, pp. 22-31.

[3] *Id.*, pp. 33-36.

[4] G.R. No. 84966, 21 November 1991, 204 SCRA 160. The complete title is *Republic of the Philippines v. The Court of Appeals and Antonina Guido, Mauro Castaneda, Margarita Guido, Graciano L. Amante, Feliza Guido, Antonio Aquino, Crisanta Guido, Buenaventura B. Enriquez, Candida Guido, Jacob Assad, Esperanza Guido, Angel Benito, Alfredo Guido, Clara Minda Anselmo, Eufonia Guido, Jose Loreno, Priscilla Guido Vda. De Esguerra, Benedicto Lopez, Profetiza Guido, Aida Del Carmen, Buensuceso Guido, Herminia Villareal, Carlos Guido, Amanda C. Rivera, Jose A. Rojas and Emilian M. Rojas, the Interport Resources Corporation and the Register of Deeds of Rizal (Morong Branch)*.

[5] *Id.*, p. 163.

[6] *Id.*, p. 164. On the basis of Decree No. 6145, Original Certificate of Title No. 633 was issued. This original title was subsequently cancelled and in lieu thereof, TCT No. 23377 was issued. Thereafter, the reconstituted certificate of title TCT No. 23377 RT-M-0002 was issued on March 29, 1976.

[7] Now Regional Trial Court.

- [8] Republic v. CA, G.R. No. 84966, 21 November 1991, 204 SCRA 160, 164.
- [9] Id., p. 168.
- [10] Id.
- [11] Id., p. 165.
- [12] Id.
- [13] Id., pp. 165-166.
- [14] Id., p. 166.
- [15] Id.
- [16] Id., p. 167.
- [17] G.R. No. 84966, 21 November 1991, 204 SCRA 160.
- [18] Id., p. 169.
- [19] Id., pp. 180-181.
- [20] Id., p. 181.
- [21] Claraminda Anselmo Guido executed a Deed of Absolute Sale in favor of petitioner; records, vol. II, pp. 480-484.
- [22] Rollo, p. 123.
- [23] Id., pp. 142, 149-151. The heirs of Francisco and Honorata de la Cruz and respondent executed an Agreement to Sell which was notarized on August 8, 1989.
- [24] Id., p. 139. Penned by Judge Fernando L. Gerona, Jr. An earlier writ of possession was issued but was not fully implemented. A first alias writ of possession and first notice to vacate were also issued; id., p. 116.
- [25] Rollo, p. 142.
- [26] Id.
- [27] Id., pp. 104, 141-148.
- [28] Penned by Judge Luis R. Tongco; rollo, pp. 134-135. The other entities and individuals were Antipolo Properties, Inc., Grandspan Development Corporation, Spouses Arturo and Fredeswinda Aniban, Unisan Development Co., Inc., Rizal Cement Co., Inc. and Chong Family Corporation.
- [29] Id., p. 135.
- [30] Id., pp. 136-138.
- [31] Id., p. 30.
- [32] Id.
- [33] Id., p. 31.
- [34] Republic v. CA, G.R. No. 84966, 21 November 1991, 204 SCRA 160, 180-181.

[35] Rollo, p. 18.

[36] Id., p. 109.

[37] Id.

[38] Id., p. 155.

[39] Id., p. 31.

[40] Penned by Judge Danilo B. Pine; rollo, pp. 108-109.

[41] Id.

[42] Supra note 34.

[43] Supra note 20.

[44] In a Resolution dated March 18, 1993, Judge Danilo B. Pine ruled that:

"Regarding the recommendation of the Land Registration Authority, the Supreme Court ruling [Republic v. CA, et al.] cited in the report of the LRA will show that said ruling is without prejudice to the vested rights of people like the applicants whose length of possession has ripened to ownership. The possession of the applicants of the subject parcel of land from 1940 up to the present which is peaceful, notorious, continuous and in the concept of an owner satisfies the requirement of the law [and] such possession has ripened into ownership. xxx

"The Land Registration Authority is ordered to segregate from TCT No. [M]-00850, Lot 6 of the subdivision plan (LRC) Psd-240150, the parcel of land subject of this petition." (Rollo, pp. 158-159.)

[45] See Republic v. CA, G.R. No. 84966, 21 November 1991, 204 SCRA 160, 179-180. This was the date when Guido et al.'s certificate of title was reconstituted. As we stated in the decision, "no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession."

[46] The records do not also indicate if an appeal was taken from the March 18, 1993 resolution.

[47] The other attributes of ownership are: jus utendi (right to possess and enjoy), jus fruendi (right to the fruits), jus abutendi (right to abuse or consume), jus disponendi (right to dispose or alienate) and jus vindicandi (right to recover or vindicate); See Samartino v. Raon, 433 Phil. 173, 189 (2002).

[48] Laureano v. Bormaheco, Inc., G.R. No. 137619, 6 February 2001, 351 SCRA 270, 275-276.

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