

HEIRS OF AMBROCIO KIONISALA, NAMELY, ANA, ISABEL, GRACE, JOVEN AND CARMELO, ALL SURNAMED KIONISALA, PETITIONERS, VS. HEIRS OF HONORIO DACUT, NAMELY: VISAMINDA D. OREVILLO, VIOLE...*G.R. No. 147379. February 27, 2002*

Ponente: BELLOSILLO, J.

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ONCE MORE we are faced with the erroneous application of what are perceived to be elementary rules of pleading. The misapprehension of the basic concepts underlying these rules can be befuddling, but what is worse, the lost man-hours spent in untangling the ensuing allegations of pleading errors causing unnecessary delay in the adjudication of cases. Instead of immediately resolving the original dispute and adjudicating the merits of conflicting claims, which in the instant petition involves the ownership of two (2) parcels of land with the sizable area of 187,718 square meters, the judicial process is unfortunately wasted in the maze of unfounded claims of deficiencies in the parties' pleadings.

On 19 December 1995 private respondents filed a complaint for declaration of nullity of titles, reconveyance and damages against petitioners, docketed as Civil Case No. 95-312 Of the Regional Trial Court of Manolo Fortich, Bukidnon. This complaint involved two (2) parcels of land known as Lot No. 1017 and Lot No. 1015 with areas of 117,744 square meters and 69,974 square meters respectively, located in Pongol, Libona, Bukidnon. On 7 September 1990 Lot No. 1017 was granted a free patent to petitioners Heirs of Ambrocio Kionisala under Free Patent No. 603393, and on 13 November 1991 Lot 1015 was bestowed upon Isabel Kionisala, one of the impleaded heirs of Ambrocio Kionisala under Free Patent No. 101311-91-904. Thereafter, on 19 November 1990 Lot 1017 was registered under the Torrens system and was issued Original Certificate of Title No. P-19819 in petitioners' name, while on 5 December 1991 Lot No. 1015 was registered in the name of Isabel Kionisala under Original Certificate of Title No. P-20229.

In support of their causes of action for declaration of nullity of titles and reconveyance, private respondents claimed absolute ownership of Lot 1015 and 1017 even prior to the issuance of the corresponding free patents and certificates of title. They further alleged in their complaint -

x x x x 2. That plaintiffs are absolute and exclusive owners and in actual possession and cultivation of two parcels of agricultural lands herein particularly described as follows [technical description of Lot 1015 and Lot 1017] x x x x 3. That plaintiffs became absolute and exclusive owners of the abovesaid parcels of land by virtue of inheritance from their late father, Honorio Dacut, who in turn acquired the same from a certain Blasito Yacapin and from then on was in possession thereof exclusively, adversely and in the concept of owner for more than thirty (30) years. In fact Honorio Dacut has had this parcels of land rented by the Philippine Packing Corporation for more than twenty years (20) up to the present time; 4. That recently, plaintiff discovered that defendants, without the knowledge and consent of the former, fraudulently applied for patent the said parcels of land and as a result thereof certificates of titles had been issued to them as evidenced by

certificate of title No. P-19819 in the name of the Hrs. of Ambrocio Kionisala and No. P-20229 in the name of Isabel Kionisala, xerox copies of the titles hereto attached and marked as annexes "A" and "B" and made part hereof; 5. That the patents issued to defendants are null and void, the same having been issued fraudulently, defendants not having been and/or in actual possession of the litigated properties and the statement they may have made in their application are false and without basis in fact, and, the Department of Environment and Natural Resources not having any jurisdiction on the properties the same not being anymore public but already private property; 6. That in the remote possibility that said certificates of title cannot be declared as null and void, plaintiffs, being the absolute and exclusive owners of the parcels of land titled by the defendants, are entitled to reconveyance x x x x WHEREFORE, premises considered, it is respectfully prayed of the Honorable Court that judgment issue: 1. declaring certificates of title No. P-19819 and P-20229, null and void, and in the event that this remedy is not possible, ordering defendants to reconvey to plaintiffs the land subject matter of this litigation x x x x

The complaint was accompanied by a verification and certificate of non-forum shopping which affirmed under oath thus -

I, VISAMINDA DACUT OREVILLO, after being duly sworn, states: That I am one of the plaintiffs in the above-entitled case; that we have caused the preparation and filing of the same and that all allegations contained therein are true and correct to the best of my own knowledge; That we have not filed any case in any court or bodies affecting the same subject matter.

On 7 February 1996 petitioners filed their answer to the complaint and asserted the following affirmative defenses -

8. That the complaint states no cause of action; 9. That the cause of action, if any, is barred by statute of limitations, prescription of action or by equitable principle of laches; 10. That x x x it is only the Director of Lands (now DENR) through the Office of the Solicitor General that has the authority to file annulment of Free Patent or Homestead Patent issued by the Director of Lands or DENR; That the complaint is not supported by certification of non-forum shopping as required by Administrative Circular No. 04-94 of the Supreme Court x x x

Petitioners set for hearing their affirmative defenses. After the hearing, or on 3 December 1996 the trial court dismissed the complaint on the ground that the cause of action of private respondents was truly for reversion so that only the Director of Lands could have filed the complaint, and that the certificate of non-forum shopping accompanying the complaint did not comply with the standard form for such undertaking.[1] On 23 December 1996 private respondents moved for reconsideration of the order of dismissal but on 3 June 1997 the motion was denied by the trial court.

On 7 June 1997 private respondents appealed the order of dismissal to the Court of Appeals. On 15 February 2000 the appellate court promulgated its assailed Decision reversing the order of dismissal.[2] The Court of Appeals ruled that while the allegations in the complaint were insufficient for purposes of an ordinary civil action for declaration of nullity of a certificate of title since the actual date when private respondents became owners of Lots 1015 and 1017 prior to the issuance of the corresponding free patents and certificates of title was not specifically indicated in the complaint, nonetheless the allegations therein were comprehensive enough to constitute a cause of action for reconveyance.[3] The appellate court concluded: "On this score, it was reversible error for the lower court to have dismissed the complaint x x x because in an action for reconveyance, what is sought is the transfer of the property which has been wrongfully or erroneously registered in another person's name, to its rightful and legal owner or to one with a better right x x x." [4] The appellate court likewise found substantial compliance in the certificate of non-forum shopping[5] by citing *Cabardo v. Court of Appeals*[6] and *Kavinta v. Court of Appeals*.[7]

On 7 March 2000 petitioners moved for reconsideration of the CA Decision. On 22 January 2001 the appellate court denied the motion for lack of merit, hence this petition for review.

At the core of the instant petition is the issue of sufficiency of the complaint filed by private respondents. Verily, does the complaint allege an action for reversion which private respondents would have no right to file or institute? Or does the complaint state a cause of action for declaration of nullity of the free patents and certificates of title for Lot 1015 and Lot 1017, or alternatively a cause of action for reconveyance of these two lots? Has the cause of action, if any, prescribed? And does the certificate of non-forum shopping substantially comply with the standard requirement?

First. The test of the sufficiency of the facts to constitute a cause of action is whether admitting the facts alleged the court could render a valid judgment upon the same in accordance with the prayer of the complaint.[8] In answering this query, only the facts asserted in the complaint must be taken into account without modification although with reasonable inferences therefrom.[9]

Applying the test to the case at bar, we rule that the complaint does not allege an action for reversion which private respondents would obviously have no right to initiate, but that it sufficiently states either a cause of action for declaration of nullity of free patents and certificates of title over Lot 1015 and Lot 1017 or alternatively a cause of action for reconveyance of these two pieces of realty, wherein in either case private respondents are the real parties in interest.

An ordinary civil action for declaration of nullity of free patents and certificates of title is not the same as an action for reversion.[10] The difference between them lies in the allegations as to the character of ownership of the realty whose title is sought to be nullified. In an action for reversion, the pertinent allegations in the complaint would admit State ownership of the disputed land. Hence in *Gabila v. Barriga*[11] where the plaintiff in his complaint admits that he has no right to demand the cancellation or amendment of the defendant's title because even if the title were canceled or amended the ownership of the land embraced therein or of the portion affected by the amendment would revert to the public domain, we ruled that the action was for reversion and that the only person or entity entitled to relief would be the Director of Lands.

On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake; as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefor is consequently void ab initio.[12] The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant. In *Heirs of Marciano Nagano v. Court of Appeals*[13] we ruled -

x x x x from the allegations in the complaint x x x private respondents claim ownership of the 2,250 square meter portion for having possessed it in the concept of an owner, openly, peacefully, publicly, continuously and adversely since 1920. This claim is an assertion that the lot is private land x x x x Consequently, merely on the basis of the allegations in the complaint, the lot in question is apparently beyond the jurisdiction of the Director of the Bureau of Lands and could not be the subject of a Free Patent. Hence, the dismissal of private respondents' complaint was premature and trial on the merits should have been conducted to thresh out evidentiary matters. It would have been entirely different if the action were clearly for reversion, in which case, it would have to be instituted by the Solicitor General pursuant to Section 101 of C.A. No. 141 x x x x

It is obvious that private respondents allege in their complaint all the facts necessary to seek the nullification of the free patents as well as the certificates of title covering Lot 1015 and Lot 1017. Clearly, they are the real parties

in interest in light of their allegations that they have always been the owners and possessors of the two (2) parcels of land even prior to the issuance of the documents of title in petitioners' favor, hence the latter could only have committed fraud in securing them -

x x x x That plaintiffs are absolute and exclusive owners and in actual possession and cultivation of two parcels of agricultural lands herein particularly described as follows [technical description of Lot 1017 and Lot 1015] x x x x 3. That plaintiffs became absolute and exclusive owners of the abovesaid parcels of land by virtue of inheritance from their late father, Honorio Dacut, who in turn acquired the same from a certain Blasito Yacapin and from then on was in possession thereof exclusively, adversely and in the concept of owner for more than thirty (30) years x x x x 4. That recently, plaintiff discovered that defendants, without the knowledge and consent of the former, fraudulently applied for patent the said parcels of land and as a result thereof certificates of titles had been issued to them as evidenced by certificate of title No. P-19819 in the name of the Hrs. of Ambrocio Kionisala, and No. P-20229 in the name of Isabel Kionisala x x x x 5. That the patents issued to defendants are null and void, the same having been issued fraudulently, defendants not having been and/or in actual possession of the litigated properties and the statement they may have made in their application are false and without basis in fact, and, the Department of Environment and Natural Resources not having any jurisdiction on the properties the same not being anymore public but already private property x x x x

It is not essential for private respondents to specifically state in the complaint the actual date when they became owners and possessors of Lot 1015 and Lot 1017. The allegations to the effect that they were so preceding the issuance of the free patents and the certificates of title, i.e., "the Department of Environment and Natural Resources not having any jurisdiction on the properties the same not being anymore public but already private property," are unquestionably adequate as a matter of pleading to oust the State of jurisdiction to grant the lots in question to petitioners. If at all, the oversight in not alleging the actual date when private respondents' ownership thereof accrued reflects a mere deficiency in details which does not amount to a failure to state a cause of action. The remedy for such deficiency would not be a motion to dismiss but a motion for bill of particulars so as to enable the filing of appropriate responsive pleadings.[14]

With respect to the purported cause of action for reconveyance, it is settled that in this kind of action the free patent and the certificate of title are respected as incontrovertible.[15] What is sought instead is the transfer of the property, in this case the title thereof, which has been wrongfully or erroneously registered in the defendant's name.[16] All that must be alleged in the complaint are two (2) facts which admitting them to be true would entitle the plaintiff to recover title to the disputed land, namely, (1) that the plaintiff was the owner of the land and, (2) that the defendant had illegally dispossessed him of the same.[17]

We rule that private respondents have sufficiently pleaded (in addition to the cause of action for declaration of free patents and certificates of title) an action for reconveyance, more specifically, one which is based on implied trust. An implied trust arises where the defendant (or in this case petitioners) allegedly acquires the disputed property through mistake or fraud so that he (or they) would be bound to hold and reconvey the property for the benefit of the person who is truly entitled to it.[18] In the complaint, private respondents clearly assert that they have long been the absolute and exclusive owners and in actual possession and cultivation of Lot 1015 and Lot 1017 and that they were fraudulently deprived of ownership thereof when petitioners obtained free patents and certificates of title in their names. These allegations certainly measure up to the requisite statement of facts to constitute an action for reconveyance.

Petitioners would nonetheless insist that private respondents should have also alleged, in addition to "possession in the concept of owner, openly, peacefully, publicly, continuously and adversely for thirty (30) years at the least," the statement that Lot 1015 and Lot 1017 have not passed to an innocent purchaser for value. Petitioners

also proffer the trifling argument that (apparently in order to render sufficient for pleading purposes the allegations of ownership) private respondents should have attached to their complaint the documents which would prove the sources of their title to the disputed parcels of land.

It is easy to see why the allegations demanded by petitioners are unnecessary, even improper, in a complaint. Whether petitioners are innocent purchasers for value of the contested lots is a matter of defense that private respondents need not anticipate in their complaint; indubitably it lies upon petitioners' discretion to allege this fact in their answer perhaps to bar recovery of the two pieces of realty.[19] Moreover, private respondents do not have to asseverate in the complaint the documents proving their alleged sources of title. These matters are evidentiary details which undoubtedly find no place in a complaint. Being matters of evidence proving the ultimate fact of ownership averred by private respondents, the disclosure of such evidence must await either the proceedings for discovery or pre-trial or even the trial proper. It should also be stressed that in pleading the ownership of a parcel of land in an action for recovery of ownership/possession thereof, all that plaintiff is required to state in the complaint are -

x x x a disseisin and its continuance by the defendant x x x Plaintiff was not required and did not allege the source and kind of title under which it claimed, and under the complaint, it was at liberty to introduce proof of any legal title which it possessed. Conversely, the defendants were at liberty to introduce all legally admissible evidence tending to show that title was not in the plaintiff. Hence, they had the right to show that the legal title was in themselves. For, if legal title to the property were shown to be in the defendants, the evidence of the plaintiff that title belonged to it would certainly be met x x x It must be furthermore remembered that x x x plaintiff is allowed to make up his complaint in an action to recover possession of land without disclosing the title which he intends to rely upon.[20]

Second. We rule that neither the action for declaration of nullity of free patents and certificates of title of Lot 1015 and Lot 1017 nor the action for reconveyance based on an implied trust of the same lots has prescribed. We have ruled that "a free patent issued over private land is null and void, and produces no legal effects whatsoever. Quos nullum est, nullum producit effectum." [21] Moreover, private respondents' claim of open, public, peaceful, continuous and adverse possession of the two (2) parcels of land and its illegal inclusion in the free patents of petitioners and in their original certificates of title, also amounts to an action for quieting of title which is imprescriptible.[22]

The action for reconveyance based on implied trust, on the other hand, prescribes only after ten (10) years from 1990 and 1991 when the free patents and the certificates of title over Lot 1017 and Lot 1015, respectively, were registered. Obviously the action had not prescribed when private respondents filed their complaint against petitioners on 19 December 1995. At any rate, the action for reconveyance in the case at bar is also significantly deemed to be an action to quiet title for purposes of determining the prescriptive period on account of private respondents' allegations of actual possession of the disputed lots.[23] In such a case, the cause of action is truly imprescriptible.[24]

Third. We agree with the Court of Appeals that private respondents did not altogether dispense with the certificate of non-forum shopping. What is involved here is a certification several sentences short of the standard form as it only states: "That we have not filed any case in any court or bodies affecting the same subject matter." While this manner of formulating the certification is indeed deplorable, its presence in the complaint nonetheless shows the intention of private respondents to comply with the standard form. Verily, we can only presume innocent reasons - as there is no reason for pursuing a contrary belief - for the omissions of the other standard statements therein. In *Cabardo v. Court of Appeals*[25] where the certificate of non-forum shopping was found deficient in details we ruled -

x x x petitioner's failure to state in the certificate of non-forum shopping that he undertakes to inform the Court of any petition which might be filed, as required under Revised Circular No. 28-91, may be overlooked since it does not appear that any petition related to this case has ever been filed in any other court. On the other hand, to dismiss the petition on this ground would be to uphold technicality over substantial justice.

For the same reason that no case related to the complaint filed by private respondents has been filed by them in any other court, we rule pro hac vice that the contested certificate of non-forum shopping is substantial compliance with the rules. Indeed to hold otherwise would only further delay the disposition of the original dispute between petitioners and private respondents concerning the ownership of Lot 1015 and Lot 1017. We note that their conflicting claims could have been resolved by now if not for the erroneous application of the elementary rules of pleading which resulted in the premature dismissal of the complaint filed by private respondents. This Court need not repeat the fastidious and unfounded adherence to technicality which already stalled for an unfortunate seven (7) years more or less the proceedings in the trial court.

In sum, the grounds relied upon in petitioners' desire to dismiss the complaint of private respondents in Civil Case No. 95-312 cannot be impressed with merit. By this decision, however, we are not foreclosing the presentation of evidence during trial on the merits that Lot 1015 and Lot 1017 are not private property and that private respondents are not truly the owners thereof. This and other issues on the merits must follow where the preponderant evidence lies.

WHEREFORE, the instant Petition for Review is DENIED for lack of merit. The Decision of the Court of Appeals dated 15 February 2000 reversing the Order dismissing the Complaint in Civil Case No. 95-312 entitled Heirs of Honorio Dacut, namely, Visaminda Orevillo, Violeta Dacut, Josephine Dacut and Elizabeth Dacut v. Heirs of Ambrocio Kionisala, namely, Ana, Isabel, Grace, Ophelia, Joven and Camilo, all surnamed Kionisala, and Isabel Kionisala is AFFIRMED with the understanding that private respondents Heirs of Honorio Dacut as plaintiffs therein may proceed on the basis of their causes of action of declaration of nullity of free patents and certificates of titles and/or reconveyance based on an implied trust, with claim for damages. The proceedings in the trial court shall commence forthwith within thirty (30) days from notice of the finality of this Decision without unnecessary delay.

SO ORDERED.

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Order of Dismissal issued by Judge Rodrigo F. Lim, Jr.; Rollo, pp. 39-41.

[2] Decision penned by Associate Justice Fermin A. Martin, Jr. and concurred in by Associate Justices Romeo A. Brawner and Renato C. Dacudo of the Fourth Division; Id., pp. 57-69.

[3] Id., pp. 65-66.

[4] Id., p. 66.

[5] Id., pp. 67-68.

[6] 290 SCRA 131, 145.

[7] 249 SCRA 604, 608-609.

[8] Paminsan v. Costales, 28 Phil. 487, 489 (1914).

[9] Zobel v. Abreu, 98 Phil. 343, 345-346 (1956).

[10] Heirs of Marciano Nagano v. Court of Appeals, G.R. No. 123231, 17 November 1997, 282 SCRA 43, 49-51.

[11] No. L-28917, 30 September 1971, 41 SCRA 131, 135.

[12] Ramirez v. Court of Appeals, No. L-28591, 31 October 1969, 30 SCRA 297, 301.

[13] See Note 11.

[14] Sabangan v. Manila Railroad Company, No. L-29839, 17 July 1969, 28 SCRA 772, 774.

[15] A.H. Noblejas, Registration of Land Titles and Deeds (1992), pp. 194-195.

[16] Ibid.

[17] See Note 9.

[18] Art. 1456, The Civil Code.

[19] V.J. Francisco, I Revised Rules of Court in the Philippines (1973), p. 568.

[20] La Corporacion de Padres Agustinos Recoletos v. Crisostomo, 32 Phil. 427, 429-430, 436 (1915).

[21] See Note 11.

[22] See Note 16, pp. 196-197.

[23] See Sapto v. Fabiana, 103 Phil. 683 (1958); See note 16, pp. 196-197.

[24] Ibid.

[25] G.R. No. 118202, 19 May 1998, 290 SCRA 131, 145.

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