

**NEMESIO GOCO, LYDIA G. FABIAN, NATALIA BROTONEL, FLORA
GAYOSO, BLEMIE SORIANO, ELPIDIA NAVALES, SERGIO
ROMASANTA, CATALINA NAMIS AND NANCY PAMATIGA,
REPRESENTED BY THEIR ATTORNE...**

G.R. No. 157449. April 06, 2010

Ponente: BRION, J.

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BRION, J.:

FACTUAL BACKGROUND

The subject of the present petition for certiorari[1] is Lot No. 2042, a parcel of land located in Calapan, Oriental Mindoro and covered by Original Certificate of Title (OCT) No. 529, registered in the name of Feliciano Alveyra (Alveyra).

In 1952, the Municipality of Calapan (now a City) acquired a one-half interest over Lot No. 2042 in satisfaction of a judgment award in its favor against Alveyra. Upon registration, however, the entire Lot No. 2042 was included in Transfer Certificate of Title (TCT) No. 21306; OCT No. 529 was accordingly cancelled.

To determine the extent of Alveyra and the Municipality of Calapan's interest over Lot No. 2042, an action to quiet title[2] was instituted, which case eventually reached the Court of Appeals (CA).[3] The CA, in a decision dated October 28, 1974, subdivided Lot No. 2042 into two lots: one-half or Lot No. 2042-A (referring to the northern portion) was declared as the property of the heirs of Alveyra who had since died, while the other half, Lot No. 2042-B (referring to the southern portion), was declared owned by the Municipality of Calapan.

We affirmed the CA's decision on February 23, 1976 in G.R. No. 40820. The petitioners' title over Lot No. 2042-A was registered as TCT No. T-46154 and that of the Municipality of Calapan as TCT No. T-46155.

Meanwhile, while the heirs of Alveyra and the Municipality of Calapan were litigating their conflicting rights over Lot No. 2042, the heirs sold their one-half interest over the land (Lot No. 2042-A) to respondent spouses Hicoblino and Lourdes Catly (respondent Catlys). Respondent Catlys then filed a petition for judicial approval of the subdivision plan of Lot No. 2042-A.[4] On July 31, 1996, the trial court approved the petition and ordered the subdivision of Lot No. 2042-A to into four lots and the registration of four new titles under the name of the respondents.[5]

In 1999, respondent Catlys alleged that a portion of their Lot No. 2042-A was being occupied by the petitioners and sought to recover possession of the lot, initially, by instituting an ejectment case against the petitioners. [6] When the ejectment case was dismissed,[7] respondent Catlys then filed a complaint for recovery of possession[8] against the petitioners; the case is still pending decision before the Regional Trial Court (RTC) of Calapan City, Branch 39.

Allegedly to defend themselves against the cases filed by respondent Catlys and to protect their vested rights as

lawful occupants of the land, the petitioners filed a complaint for declaration of nullity of the four certificates of title issued in respondent Catlys' names.[9] The petitioners claimed they are occupants of the original Lot No. 2042 since 1946 and anchored their continued right to occupy as lessees of the Municipality of Calapan. They also alleged that the titles issued in respondent Catlys' names (covering Lot No. 2042-A which were subdivided into four lots) included portions that they claimed were part of Lot No. 2042-B which belonged to the Municipality of Calapan. The petitioners consider the inclusion of these portions of Lot No. 2042-B prejudicial to their interest as its actual occupants, hence, they questioned respondent Catlys' titles. Respondent Catlys, in turn, moved for the dismissal of the complaint asserting that it failed to state a cause of action and that the petitioners (plaintiffs below) were not the real parties in interest.

In its September 7, 1999 Order,[10] the Regional Trial Court (RTC) of Oriental Mindoro, Branch 39, ordered the dismissal of the complaint for declaration of nullity of respondent Catlys' titles. It found that the petitioners were in fact occupying portions of respondent Catlys' Lot No. 2042-A. Although the petitioners were asserting a legal right to occupy the land by virtue of a lease contract, the lease covered only Lot No. 2042-B - the southern portion which belonged to the Municipality of Calapan. The trial court discovered that the petitioners were occupying areas outside those covered by their lessor's title and concluded they had no cause of action against respondent Catlys. The relevant portion of the September 7, 1999 Order said:

As consistently admitted by the [petitioners], they are occupying the lot belonging to the Municipal Government of Calapan as occupant-lessees x x x it was ascertained that the [petitioners] are outside the area covered by the Municipal Government's title.[11]

Corollary to this, it declared that the petitioners were not the real parties in interest who could assail and seek the annulment of the respondents' title.

The petitioners' move to have the September 7, 1999 Order reconsidered was denied by the RTC in its March 30, 2000 Order.[12] They sought the reversal of the trial court's Orders by filing a petition for certiorari under Rule 65 of the Rules of Court before the CA.

In a decision dated October 7, 2002,[13] the CA dismissed the petition and affirmed the RTC's dismissal of the complaint for annulment of respondent Catlys' titles. It ruled that petitioners erred in filing a certiorari petition under Rule 65 of the Rules of Court to assail an order of dismissal by the trial court. An order sustaining a motion to dismiss is a final adjudication on the merits of the case and the remedy of the plaintiff is to appeal the order. This procedural lapse notwithstanding, the CA proceeded to consider the petition as an ordinary appeal filed under Rule 41.

Ruling on the merits of case, the CA agreed with the RTC that the petitioners have no cause of action against respondent Catlys. The petitioners were assailing respondents Catlys' titles which were derived from TCT No. T-46154 covering Lot No. 2042-A. These titles, however, are separate and distinct from the land that the petitioners are occupying which is registered as TCT No. T-46155 covering Lot No. 2042-B in the name of the Municipality of Calapan. Thus, their claimed vested rights in Lot No. 2042-B were not at all impaired by respondent Catlys' titles. Even assuming that a portion of respondent Catlys' lot includes that belonging to the Municipality of Calapan, the petitioners do not possess sufficient interest to assail respondent Catlys' titles as they are mere lessees.

The petitioners filed a motion for reconsideration of the CA's decision dated October 7, 2002.[14] The CA denied the motion in a resolution dated March 6, 2003.[15] The petitioners now seek to reverse these CA rulings before the Court via a petition for certiorari filed under Rule 65 of the Rules of Court. The petitioners reiterate the same arguments they raised before the RTC and insist that they have sufficient interest in praying for the annulment of

respondent Catlys' titles, as their vested rights have been impaired.

THE COURT'S RULING

The Court resolves to dismiss the petition.

A petition for certiorari resolves only errors of jurisdiction

The petitioners have twice erroneously availed of the remedy of a certiorari petition, first, before the CA against the RTC order dismissing its complaint for annulment of title, and second, before the Court against the CA's decision thereon.

Time and again, we have discussed the nature of a certiorari petition - it is intended to correct only errors of jurisdiction where the court or tribunal has acted with grave abuse of discretion. A writ of certiorari cannot be used for any other purpose; it cannot be used to resolve questions or issues beyond its competence such as errors of judgment. Certiorari will not be issued to cure errors by the trial court in its appreciation of the evidence of the parties, its conclusions anchored on the said findings, and its conclusions of law.[16]

The supervisory jurisdiction of a court over the issuance of a writ of certiorari cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of certiorari. Where the error is not one of jurisdiction, but of an error of law or fact - a mistake of judgment - appeal is the remedy.[17] [Emphasis supplied.]

In the two certiorari petitions the petitioners filed before the CA and before the Court, they assailed rulings of the lower courts by claiming that the findings and conclusions of these courts were merely speculative and based on misapprehension of facts. These assigned errors, however, constitute an attack on the correctness or soundness of the decision assailed and does not at all affect the jurisdiction of the court to issue such decision. In other words, they amount to no more than errors of judgment correctible by an appeal, not by a writ of certiorari that will issue only when there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law.[18]

Since an order of dismissal by the trial court is a final order from which an ordinary appeal under Rule 41 can be taken,[19] the petitioners should have taken this avenue against the RTC order of September 7, 1999 instead of resorting to a petition for certiorari before the CA. Supreme Court Circular No. 2-90 is unequivocal in directing the dismissal of an inappropriate mode of appeal:

4. Erroneous Appeals - An appeal taken to either the Supreme Court or the Court of Appeals by the wrong or inappropriate mode shall be dismissed.

But rather than dismissing outright the petition, the CA, "in the interest of justice," decided to treat it as an appeal filed under Rule 41 and consider the errors raised by the petitioners. As it turned out, however, the CA still ruled for the petition's dismissal because it found that petitioners' did not have any cause of action against respondent Catlys and were not the real parties in interest.

As the petitioners now raise before this Court the same errors of judgment already raised before and resolved by the CA, the dismissal of the present certiorari petition is in order for being the wrong remedy. Errors of judgment committed by the CA are reviewable by this Court via a petition for review on certiorari under Rule 45 of the Rules of Court. Erroneous findings and conclusion do not render the appellate court vulnerable to the corrective writ of certiorari.[20]

The petitioners' invocation of a liberal application of the rules of procedure is unavailing. Even if the Court were to consider the present petition as an appeal filed under Rule 45, we would ultimately order its dismissal for

failing to find any reversible error committed by the CA.

An action for annulment of title, like any other civil action, must be instituted by the real party in interest

Section 2, Rule 3 of the Rules of Court states:

Sec. 2. Parties in interest. - A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise authorized by law or these Rules, every action must be prosecuted or defended in the name of the real party in interest.

This provision has two requirements: 1) to institute an action, the plaintiff must be the real party in interest; and 2) the action must be prosecuted in the name of the real party in interest. Interest within the meaning of the Rules of Court means material interest or an interest in issue to be affected by the decree or judgment of the case, as distinguished from mere curiosity about the question involved. One having no material interest to protect cannot invoke the jurisdiction of the court as the plaintiff in an action. When the plaintiff is not the real party in interest, the case is dismissible on the ground of lack of cause of action.[21]

An action for annulment of certificates of title to property into the issue of ownership of the land covered by a Torrens title and the relief generally prayed for by the plaintiff is to be declared as the land's true owner.[22] The real party in interest in such action therefore is the person claiming title or ownership adverse to that of the registered owner. The case of *Tankiko v. Cezar*[23] has illustrated for us the application of this principle in the following manner:

It is evident that respondents are not the real parties in interest. Because they admit that they are not the owners of the land but mere applicants for sales patents thereon, it is daylight clear that the land is public in character and that it should revert to the State. This being the case, Section 101 of the Public Land Act categorically declares that only the government may institute an action to recover ownership of a public land.

x x x x

Under Section 2, Rule 3 of the Rules of Court, every action must be prosecuted or defended in the name of the real party in interest. It further defines a "real party in interest" as one who stands to be benefited or injured by the judgment in the suit. x x x The interest of the party must be personal and not one based on a desire to vindicate the constitutional right of some third and unrelated party.

Clearly, a suit filed by a person who is not a party in interest must be dismissed. Thus, in *Lucas v. Durian*, the Court affirmed the dismissal of a Complaint filed by a party who alleged that the patent was obtained by fraudulent means and, consequently, prayed for the annulment of said patent and the cancellation of a certificate of title. The Court declared that the proper party to bring the action was the government, to which the property would revert. Likewise affirming the dismissal of a Complaint for failure to state a cause of action, the Court in *Nebrada v. Heirs of Alivio* noted that the plaintiff, being a mere homestead applicant, was not the real party in interest to institute an action for reconveyance.

x x x x

Verily, the Court stressed that "if the suit is not brought in the name of or against the real party in interest, a motion to dismiss may be filed on the ground that the complaint states no cause of action." [24] [Emphasis supplied.]

The petitioners demand the annulment of respondent Catlys' titles because they allege that these included portions belonging to the Municipality of Calapan. This allegation is a clear recognition of the Municipality's superior

interest over the lot. In instituting the action for annulment of respondent Catlys' titles, what the petitioners are asserting is a right that is not personal to them, but to that of the local government. That they are lessees who were granted by the Municipality of Calapan the option to purchase the portion they occupy does not suffice to constitute as parties with material interest to commence the action.

WHEREFORE, premises considered, we hereby DISMISS the petitioners' Petition for Certiorari filed under Rule 65 of the Rules of Court. The Decision of October 7, 2002 and Resolution of March 6, 2003 in CA-G.R. SP No. 58307 are AFFIRMED. Cost against the petitioners.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Abad, and Perez, JJ., concur.

[1] Rollo, pp. 6-21.

[2] Civil Case No. R-2153.

[3] CA-G.R. No. R-41794 entitled *Alveyra v. Municipality of Calapan*.

[4] Petition No. 18589.

[5] TCT No. T-46154 was cancelled, and in lieu thereof TCT Nos. 85655, 85656, 85657, and 85658 were issued in respondent Catlys' names.

[6] Civil Case No. 1531.

[7] The records do not disclose the reason for the dismissal.

[8] Civil Case No. R-4901.

[9] Civil Case No. R-4750.

[10] Rollo, pp. 77-81.

[11] *Id.* at 79.

[12] *Id.* at 82-83.

[13] *Id.* at 25-33.

[14] *Id.* at 34-38.

[15] *Id.* at 40.

[16] *Suyat v. Torres*, 484 Phil 230 (2004); *Tensorex Industrial Corporation v. CA*, 374 Phil. 824 (1999).

[17] *Tagle v. Equitable PCI Bank*, G.R. No. 172299, April 22, 2008, 552 SCRA 424, 440-441.

[18] RULES OF COURT, Rule 65, Section 1.

[19] *Madrigal Transport, Inc. v. Lapanday Holdings Corporation, Inc.*, 479 Phil. 768 (2004); *First Bancorp, Inc. v. CA*, G.R. No. 151132, June 22, 2006, 492 SCRA 221, 235.

[20] *New York Marine Managers, Inc. v. CA*, 319 Phil. 538 (1995).

[21] *Spouses Oco v. Limbaring*, G.R. No. 161298, January 31, 2006, 481 SCRA 348.

[22] Heirs of Abadilla v. Galarosa, G.R. No. 149041, July 12, 2006, 494 SCRA 675.

[23] 362 Phil. 184 (1999).

[24] Id. at 193-195.

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