

HEIRS OF VALERIANO S. CONCHA, SR. NAMELY: TERESITA CONCHA-PARAN, VALERIANO P. CONCHA, JR., RAMON P. CONCHA, EDUARDO P. CONCHA, REPRESENTED BY HIS LEGAL GUARDIAN, REYNALDO P. CO...

G.R. No. 158121. December 12, 2007

Ponente: PUNO, CJ.

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PUNO, CJ.:

On appeal by certiorari under Rule 45 of the Rules of Court are the decision[3] and resolution[4] of the Court of Appeals (CA) in CA-G.R. SP No. 59499, annulling the resolutions[5] and order[6] of the Regional Trial Court (RTC) of Dipolog City, Branch 9, in Civil Case Nos. 5188, 5433 and 5434 which denied the separate motions to dismiss and Joint Motion for Reconsideration filed by the respondents.

The relevant facts are undisputed.

Petitioners, heirs of spouses Dorotea and Valeriano Concha, Sr., claim to be the rightful owners of Lot No. 6195 (Civil Case No. 5188), a one-hectare portion of Lot No. 6196-A (Civil Case No. 5433), and a one-hectare portion of Lot Nos. 6196-B and 7529-A (Civil Case No. 5434), all situated in Cogon, Dipolog City, under Section 48(b) of Commonwealth Act No. 141 (C.A. No. 141), otherwise known as the Public Land Act. Respondent siblings Gregorio Lumocso (Civil Case No. 5188), Cristita Lumocso Vda. de Daan (Civil Case No. 5433) and Jacinto Lumocso (Civil Case No. 5434), are the patent holders and registered owners of the subject lots.

The records show that on August 6, 1997, Valeriano Sr.[7] and his children, petitioners Valeriano Jr., Ramon, Eduardo, Alberto, Bernardo, Teresita, Reynaldo, and Gloria, all surnamed Concha, filed a complaint for Reconveyance and/or Annulment of Title with Damages against "Spouses Gregorio Lomocso and Bienvenida Guya." They sought to annul Free Patent No. (IX-8)985 and the corresponding Original Certificate of Title (OCT) No. P-22556 issued in the name of "Gregorio Lumocso" covering Lot No. 6195. The case was raffled to the RTC of Dipolog City, Branch 9, and docketed as Civil Case No. 5188. In their Amended Complaint, petitioners prayed that judgment be rendered:

- Declaring Free Patent No. (IX-8)985 and Original Certificate of Title No. 22556 issued to defendants as null and void ab initio;
- Declaring Lot No. 6195 or 1.19122-hectare as private property of the plaintiffs under Sec. 48(b) of CA No. 141 otherwise known as the Public Land Act as amended by RA 1942;
- Ordering the defendant Lomocsos to reconvey the properties (sic) in question Lot No. 6195 or the 1.19122 hectares in favor of the plaintiffs within 30 days from the finality of the decision in this case and if they refuse, ordering the Clerk of Court of this Honorable Court to execute the deed of reconveyance with like force and effect as if executed by the defendant[s] themselves;
- Ordering defendant Lomocsos to pay P60,000.00 for the 21 forest trees illegally cut; P50,000.00 for moral

damages; P20,000.00 for Attorney's fees; P20,000.00 for litigation expenses; and to pay the cost of the proceedings;

- Declaring the confiscated three (sic) flitches kept in the area of the plaintiffs at Dampalan San Jose, Dipolog with a total volume of 2000 board feet a[s] property of the plaintiff [they] being cut, collected and taken from the land possessed, preserved, and owned by the plaintiffs;

- The plaintiffs further pray for such other reliefs and remedies which this Honorable Court may deem just and equitable in the premises.[8]

On September 3, 1999, two separate complaints for Reconveyance with Damages were filed by petitioners,[9] this time against "Cristita Lomocso Vda. de Daan" for a one-hectare portion of Lot No. 6196-A and "Spouses Jacinto Lomocso and Balbina T. Lomocso" for a one-hectare portion of Lot Nos. 6196-B and 7529-A. The two complaints were also raffled to Branch 9 of the RTC of Dipolog City and docketed as Civil Case Nos. 5433 and 5434, respectively. In Civil Case No. 5433, petitioners prayed that judgment be rendered:

- Declaring [a] portion of Lot 6196-A titled under OCT (P23527) 4888 equivalent to one hectare located at the western portion of Lot 4888 as private property of the plaintiffs under Sec. 48(B) CA 141 otherwise known as Public Land OCT (sic) as amended by RA No. 1942;

- Ordering the defendant to reconvey the equivalent of one (1) hectare forested portion of her property in question in favor of the plaintiffs within 30 days from the finality of the decision in this case segregating one hectare from OCT (P23527) 4888, located at its Western portion and if she refuse (sic), ordering the Clerk of Court of this Honorable Court to execute the deed of reconveyance with like force and effect, as if executed by the defenda[n]t herself;

- Ordering defendant to pay P30,000.00 for the 22 forest trees illegally cut; P20,000.00 for moral damages; P20,000.00 for Attorney's fees; P20,000.00 for litigation expenses; and to pay the cost of the proceedings.[10]

In Civil Case No. 5434, petitioners prayed that judgment be rendered:

- Declaring [a] portion of Lot 7529-A under OCT (P-23207) 12870 and Lot 6196-B OCT (P-20845) 4889 equivalent to one hectare located as (sic) the western portion of said lots as private property of the plaintiffs under Sec. 48(b) of [C.A. No.] 141 otherwise know[n] as the [P]ublic [L]and [A]ct as amended by RA 1942;

- Ordering the defendants to reconvey the equivalent of one (1) hectare forested portion of their properties in question in favor of the plaintiffs within 30 days from the finality of the decision in this case segregating one hectare from OCT (P-23207) 12870 and OCT (T-20845)-4889 all of defendants, located at its Western portion and if they refuse, ordering the Clerk of Court of this Honorable Court to execute the deed of reconveyance with like force and effect as if executed by the defendants themselves[;]

- Ordering defendants to pay P20,000.00 for the six (6) forest trees illegally cut; P20,000.00 for moral damages; P20,000.00 for Attorney's fees; P20,000.00 for litigation expenses; and to pay the cost of the proceedings.[11]

The three complaints[12] commonly alleged: a) that on May 21, 1958, petitioners' parents (spouses Valeriano Sr. and Dorotea Concha) acquired by homestead a 24-hectare parcel of land situated in Cogon, Dipolog City; b) that since 1931, spouses Concha "painstakingly preserved" the forest in the 24-hectare land, including the excess four (4) hectares "untitled forest land" located at its eastern portion; c) that they possessed this excess 4 hectares of land (which consisted of Lot No. 6195, one-hectare portion of Lot No. 6196-A and one-hectare portion of Lot Nos. 6196-B and 7529-A) "continuously, publicly, notoriously, adversely, peacefully, in good faith and in concept of the (sic) owner since 1931;" d) that they continued possession and occupation of the 4-hectare land after the death of Dorotea Concha on December 23, 1992 and Valeriano Sr. on May 12, 1999; e) that the Concha spouses

"have preserved the forest trees standing in [the subject lots] to the exclusion of the defendants (respondents) or other persons from 1931" up to November 12, 1996 (for Civil Case No. 5188) or January 1997 (for Civil Case Nos. 5433 and 5434) when respondents, "by force, intimidation, [and] stealth forcibly entered the premises, illegally cut, collected, [and] disposed" of 21 trees (for Civil Case No. 5188), 22 trees (for Civil Case No. 5433) or 6 trees (for Civil Case No. 5434); f) that "the land is private land or that even assuming it was part of the public domain, plaintiffs had already acquired imperfect title thereto" under Sec. 48(b) of C.A. No. 141, as amended by Republic Act (R.A.) No. 1942; g) that respondents allegedly cut into flitches the trees felled in Lot No. 6195 (Civil Case No. 5188) while the logs taken from the subject lots in Civil Case Nos. 5433 and 5434 were sold to a timber dealer in Katipunan, Zamboanga del Norte; h) that respondents "surreptitiously" filed free patent applications over the lots despite their full knowledge that petitioners owned the lots; i) that the geodetic engineers who conducted the original survey over the lots never informed them of the survey to give them an opportunity to oppose respondents' applications; j) that respondents' free patents and the corresponding OCTs were issued "on account of fraud, deceit, bad faith and misrepresentation"; and k) that the lots in question have not been transferred to an innocent purchaser.

On separate occasions, respondents moved for the dismissal of the respective cases against them on the same grounds of: (a) lack of jurisdiction of the RTC over the subject matters of the complaints; (b) failure to state causes of action for reconveyance; (c) prescription; and (d) waiver, abandonment, laches and estoppel.[13] On the issue of jurisdiction, respondents contended that the RTC has no jurisdiction over the complaints pursuant to Section 19(2) of Batas Pambansa Blg. (B.P.) 129, as amended by R.A. No. 7691, as in each case, the assessed values of the subject lots are less than P20,000.00.

Petitioners opposed,[14] contending that the instant cases involve actions the subject matters of which are incapable of pecuniary estimation which, under Section 19(1) of B.P. 129, as amended by R.A. 7691, fall within the exclusive original jurisdiction of the RTCs. They also contended that they have two main causes of action: for reconveyance and for recovery of the value of the trees felled by respondents. Hence, the totality of the claims must be considered which, if computed, allegedly falls within the exclusive original jurisdiction of the RTC.

The trial court denied the respective motions to dismiss of respondents.[15] The respondents filed a Joint Motion for Reconsideration,[16] to no avail.[17]

Dissatisfied, respondents jointly filed a Petition for Certiorari, Prohibition and Preliminary Injunction with Prayer for Issuance of Restraining Order Ex Parte[18] with the CA, docketed as CA-G.R. SP No. 59499. In its Decision,[19] the CA reversed the resolutions and order of the trial court. It held that even assuming that the complaints state a cause of action, the same have been barred by the statute of limitations. The CA ruled that an action for reconveyance based on fraud prescribes in ten (10) years, hence, the instant complaints must be dismissed as they involve titles issued for at least twenty-two (22) years prior to the filing of the complaints. The CA found it unnecessary to resolve the other issues.

Hence, this appeal in which petitioners raise the following issues, viz:

FIRST - WHETHER OR NOT RESPONDENT COURT OF APPEALS (FORMER FIRST DIVISION) ERRED IN REVERSING THE ORDER OF THE COURT A QUO DENYING THE MOTION FOR DISMISSAL, CONSIDERING THE DISMISSAL OF A PARTY COMPLAINT IS PREMATURE AND TRIAL ON THE MERITS SHOULD BE CONDUCTED TO THRESH OUT EVIDENTIARY MATTERS.

SECOND - WHETHER OR NOT THE RESPONDENT COURT OF APPEALS (FORMER FIRST DIVISION) ERRED IN DISMISSING THE PETITIONERS' COMPLAINTS ON [THE] GROUND OF PRESCRIPTION.

THIRD - WHETHER OR NOT THE RESPONDENT COURT OF APPEALS (FORMER FIRST DIVISION) ERRED IN CONCLUDING THAT THERE IS NO DOCUMENTARY EVIDENCE ON RECORD TO SHOW THAT PETITIONERS OWN THE SUBJECT FOREST PORTION OF THE PROPERTIES ERRONEOUSLY INCLUDED IN THE TITLES OF PRIVATE RESPONDENTS.

FOURTH - WHETHER OR NOT THE PETITION OF HEREIN PRIVATE RESPONDENTS FILED WITH THE RESPONDENT COURT OF APPEALS (FORMER FIRST DIVISION) SHOULD HAVE BEEN DISMISSED OUTRIGHTLY FOR PRIVATE RESPONDENTS' THEREIN FAILURE TO COMPLY WITH THE MANDATORY REQUIREMENT OF SECTION 1 RULE 65 OF THE RULES OF COURT TO SUBMIT CERTIFIED TRUE COPIES OF THE ASSAILED ORDERS OF THE TRIAL COURT WHICH RENDERED THEIR PETITION (CA G.R. 59499) DEFICIENT IN FORM AND SUBSTANCE CITING THE CASE OF CATUIRA VS. COURT OF APPEALS (172 SCRA 136).[20]

In their memorandum,[21] respondents reiterated their arguments in the courts below that: a) the complaints of the petitioners in the trial court do not state causes of action for reconveyance; b) assuming the complaints state causes of action for reconveyance, the same have already been barred by prescription; c) the RTC does not have jurisdiction over the subject matter of the instant cases; d) the claims for reconveyance in the complaints are barred by waiver, abandonment, or otherwise extinguished by laches and estoppel; and e) there is no special reason warranting a review by this Court.

Since the issue of jurisdiction is determinative of the resolution of the instant case yet the CA skirted the question, we resolved to require the parties to submit their respective Supplemental Memoranda on the issue of jurisdiction.[22]

In their Supplemental Memorandum,[23] petitioners contend that the nature of their complaints, as denominated therein and as borne by their allegations, are suits for reconveyance, or annulment or cancellation of OCTs and damages. The cases allegedly involve more than just the issue of title and possession since the nullity of the OCTs issued to respondents and the reconveyance of the subject properties were also raised as issues. Thus, the RTC has jurisdiction under Section 19(1) of B.P. 129, which provides that the RTC has jurisdiction "[i]n all civil actions in which the subject of the litigation is incapable of pecuniary estimation." Petitioners cited: a) *Raymundo v. CA*[24] which set the criteria for determining whether an action is one not capable of pecuniary estimation; b) *Swan v. CA*[25] where it was held that an action for annulment of title is under the jurisdiction of the RTC; c) *Santos v. CA*[26] where it was similarly held that an action for annulment of title, reversion and damages was within the jurisdiction of the RTC; and d) *Commodities Storage and ICE Plant Corporation v. CA*[27] where it was held that "[w]here the action affects title to the property, it should be filed in the RTC where the property is located." Petitioners also contend that while it may be argued that the assessed values of the subject properties are within the original jurisdiction of the municipal trial court (MTC), they have included in their prayers "any interest included therein" consisting of 49 felled natural grown trees illegally cut by respondents. Combining the assessed values of the properties as shown by their respective tax declarations and the estimated value of the trees cut, the total amount prayed by petitioners exceeds twenty thousand pesos (P20,000.00). Hence, they contend that the RTC has jurisdiction under Section 19(2) of B.P. 129.

Jurisdiction over the subject matter is the power to hear and determine cases of the general class to which the proceedings in question belong.[28] It is conferred by law and an objection based on this ground cannot be waived by the parties.[29] To determine whether a court has jurisdiction over the subject matter of a case, it is important to determine the nature of the cause of action and of the relief sought.[30]

The trial court correctly held that the instant cases involve actions for reconveyance.[31] An action for reconveyance respects the decree of registration as incontrovertible but seeks the transfer of property, which has

been wrongfully or erroneously registered in other persons' names, to its rightful and legal owners, or to those who claim to have a better right.[32] There is no special ground for an action for reconveyance. It is enough that the aggrieved party has a legal claim on the property superior to that of the registered owner[33] and that the property has not yet passed to the hands of an innocent purchaser for value.[34]

The reliefs sought by the petitioners in the instant cases typify an action for reconveyance. The following are also the common allegations in the three complaints that are sufficient to constitute causes of action for reconveyance, viz:

- (a) That plaintiff Valeriano S. Concha, Sr. together with his spouse Dorotea Concha have painstakingly preserve[d] the forest standing in the area [of their 24-hectare homestead] including the four hectares untitled forest land located at the eastern portion of the forest from 1931 when they were newly married, the date they acquired this property by occupation or possession;[35]
- (b) That spouses Valeriano S. Concha Sr. and Dorotea P. Concha have preserved the forest trees standing in [these parcels] of land to the exclusion of the defendants Lomocos or other persons from 1931 up to November 12, 1996 [for Civil Case No. 5188] and January 1997 [for Civil Case Nos. 5433 and 5434] when defendants[,] by force, intimidation, [and] stealth[,] forcibly entered the premises, illegal[ly] cut, collected, disposed a total of [twenty-one (21) trees for Civil Case No. 5188, twenty-two (22) trees for Civil Case No. 5433 and six (6) trees for Civil Case No. 5434] of various sizes;[36]
- (c) That this claim is an assertion that the land is private land or that even assuming it was part of the public domain, plaintiff had already acquired imperfect title thereto under Sec. 48(b) of [C.A.] No. 141[,] otherwise known as the Public Land Act[,] as amended by [R.A.] No. [7691];[37]
- (d) That [respondents and their predecessors-in-interest knew when they] surreptitiously filed[38] [their respective patent applications and were issued their respective] free patents and original certificates of title [that the subject lots belonged to the petitioners];[39]
- (e) [That respondents' free patents and the corresponding original certificates of titles were issued] on account of fraud, deceit, bad faith and misrepresentation;[40] and
- (f) The land in question has not been transferred to an innocent purchaser.[41]

These cases may also be considered as actions to remove cloud on one's title as they are intended to procure the cancellation of an instrument constituting a claim on petitioners' alleged title which was used to injure or vex them in the enjoyment of their alleged title.[42]

Being in the nature of actions for reconveyance or actions to remove cloud on one's title, the applicable law to determine which court has jurisdiction is Section 19(2) of B.P. 129, as amended by R.A. No. 7691, viz:

Section 19. Jurisdiction in Civil Cases.-- Regional Trial Courts shall exercise exclusive original jurisdiction: x
x x

(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;

x x x.

In the cases at bar, it is undisputed that the subject lots are situated in Cogon, Dipolog City and their assessed values are less than P20,000.00, to wit:

Civil Case No.

Lot No.

Assessed Value

5188

6195

P1,030.00

5433

6196-A

4,500.00

5434

6196-B

4,340.00

7529-A

1,880.00.[43]

Hence, the MTC clearly has jurisdiction over the instant cases.

Petitioners' contention that this case is one that is incapable of pecuniary estimation under the exclusive original jurisdiction of the RTC pursuant to Section 19(1) of B.P. 129 is erroneous.

In a number of cases, we have held that actions for reconveyance[44] of or for cancellation of title[45] to or to quiet title[46] over real property are actions that fall under the classification of cases that involve "title to, or possession of, real property, or any interest therein."

The original text of Section 19(2) of B.P. 129 as well as its forerunner, Section 44(b) of R.A. 296,[47] as amended, gave the RTCs (formerly courts of first instance) exclusive original jurisdiction "[i]n all civil actions which involve the title to, or possession of, real property, or any interest therein, except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon Metropolitan Trial Courts, [MTCs], and Municipal Circuit Trial Courts (conferred upon the city and municipal courts under R.A. 296, as amended)." Thus, under the old law, there was no substantial effect on jurisdiction whether a case is one, the subject matter of which was incapable of pecuniary estimation, under Section 19(1) of B.P. 129 or one involving title to property under Section 19(2). The distinction between the two classes became crucial with the amendment introduced by R.A. No. 7691[48] in 1994 which expanded the exclusive original jurisdiction of the first level courts to include "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." Thus, under the present law, original jurisdiction over cases the subject matter of which involves "title to, possession of, real property or any interest therein" under Section 19(2) of B.P. 129 is divided between the first and second level courts, with the assessed value of the real property involved as the benchmark. This amendment was introduced to

"unclog the overloaded dockets of the RTCs which would result in the speedier administration of justice." [49]

The cases of *Raymundo v. CA* [50] and *Commodities Storage and ICE Plant Corporation v. CA*, [51] relied upon by the petitioners, are inapplicable to the cases at bar. *Raymundo* involved a complaint for mandatory injunction, not one for reconveyance or annulment of title. The bone of contention was whether the case was incapable of pecuniary estimation considering petitioner's contention that the pecuniary claim of the complaint was only attorney's fees of P10,000, hence, the MTC had jurisdiction. The Court defined the criterion for determining whether an action is one that is incapable of pecuniary estimation and held that the issue of whether petitioner violated the provisions of the Master Deed and Declaration of Restriction of the Corporation is one that is incapable of pecuniary estimation. The claim for attorney's fees was merely incidental to the principal action, hence, said amount was not determinative of the court's jurisdiction. Nor can *Commodities Storage and ICE Plant Corporation* provide any comfort to petitioners for the issue resolved by the Court in said case was venue and not jurisdiction. The action therein was for damages, accounting and fixing of redemption period which was filed on October 28, 1994, before the passage of R.A. No. 7691. In resolving the issue of venue, the Court held that "[w]here the action affects title to property, it should be instituted in the [RTC] where the property is situated. The Sta. Maria Ice Plant & Cold Storage is located in Sta. Maria, Bulacan. The venue in Civil Case No. 94-727076 was therefore improperly laid."

Worse, the cases of *Swan v. CA* [52] and *Santos v. CA* [53] cited by the petitioners, contradict their own position that the nature of the instant cases falls under Section 19(1) of B.P. 129. The complaints in *Swan* and *Santos* were filed prior to the enactment of R.A. No. 7691. In *Swan*, the Court held that the action being one for annulment of title, the RTC had original jurisdiction under Section 19(2) of B.P. 129. In *Santos*, the Court similarly held that the complaint for cancellation of title, reversion and damages is also one that involves title to and possession of real property under Section 19(2) of B.P. 129. Thus, while the Court held that the RTC had jurisdiction, the Court classified actions for "annulment of title" and "cancellation of title, reversion and damages" as civil actions that involve "title to, or possession of, real property, or any interest therein" under Section 19(2) of B.P. 129.

Petitioners' contention that the value of the trees cut in the subject properties constitutes "any interest therein (in the subject properties)" that should be computed in addition to the respective assessed values of the subject properties is unavailing. Section 19(2) of B.P. 129, as amended by R.A. No. 7691, is clear that the RTC shall exercise jurisdiction "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)." It is true that the recovery of the value of the trees cut from the subject properties may be included in the term "any interest therein." However, the law is emphatic that in determining which court has jurisdiction, it is only the assessed value of the realty involved that should be computed. [54] In this case, there is no dispute that the assessed values of the subject properties as shown by their tax declarations are less than P20,000.00. Clearly, jurisdiction over the instant cases belongs not to the RTC but to the MTC.

IN VIEW WHEREOF, the decision of the Court of Appeals is hereby AFFIRMED that the RTC of Dipolog City, Branch 9, has no jurisdiction in Civil Case Nos. 5188, 5433 and 5434.

No costs.

SO ORDERED.

Ynares-Santiago, Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

- [1] Also referred to as "Lomocso" or "Lumucso" in the records.
- [2] The Court of Appeals was removed as public respondent pursuant to Section 4, Rule 45 of the Rules of Court and our ruling in *Serg's Products, Inc. v. PCI Leasing and Finance, Inc.*, G.R. No. 137705, August 22, 2000, 338 SCRA 499, 504.
- [3] Promulgated on November 29, 2002; Rollo, pp. 7-14.
- [4] Promulgated on April 10, 2003; *id.* at 16.
- [5] Annexes "M," "N" and "O" of the Petition; *id.* at 281-295.
- [6] Annex "R" of the Petition; *id.* at 305-306.
- [7] Died on May 12, 1999.
- [8] Rollo, pp. 98-99.
- [9] *Id.* at 119-125, 143-149.
- [10] *Id.* at 124.
- [11] *Id.* at 148-149.
- [12] *Id.* at 93-106 (Civil Case No. 5188), 119-132 (Civil Case No. 5433), 143-158 (Civil Case No. 5434).
- [13] Motion for Preliminary Hearing of Affirmative Defenses for the Dismissal of the Complaint and the Instant Case (Civil Case No. 5188), *id.* at 169-189; Motion to Dismiss (Civil Case No. 5434), *id.* at 191-210; Motion to Dismiss (Civil Case No. 5433), *id.* at 212-231.
- [14] Opposition to Motion for the Dismissal of the Complaint (Civil Case No. 5188), *id.* at 233-248; Opposition to Motion [to] Dismiss (Civil Case No. 5433), *id.* at 249-264; Opposition to Motion [to] Dismiss (Civil Case No. 5434), *id.* at 265-280.
- [15] In its separate Resolutions all dated December 9, 1999; *id.* at 281-285, 286-290, 291-295.
- [16] *Id.* at 296-301.
- [17] Order dated May 10, 2000; *id.* at 305-306.
- [18] *Id.* at 307-334.
- [19] Dated November 29, 2002; *id.* at 7-14.
- [20] *Id.* at 36-37.
- [21] *Id.* at 568-641.
- [22] *Id.* at 703-710.
- [23] *Id.* at 722-733.
- [24] G.R. No. 97805, September 2, 1992, 213 SCRA 457.
- [25] G.R. No. 97319, August 4, 1992, 212 SCRA 114.
- [26] G.R. No. 61218, September 23, 1992, 214 SCRA 162.
- [27] G.R. No. 125008, June 19, 1997, 274 SCRA 439.

[28] Allied Domecq Phil., Inc. v. Villon, G.R. No. 156264, September 30, 2004, 439 SCRA 667, 672, citing Reyes v. Diaz, 73 Phil. 484, 486 (1941).

[29] Republic v. Sangalang, L-58822, April 8, 1988, 159 SCRA 515.

[30] Philippine Association of Free Labor Unions, et al. v. Padilla, et al., 106 Phil. 591 (1959), citing Perkins v. Roxas, 72 Phil. 514 (1941).

[31] Rollo, pp. 283, 288, 293.

[32] Hi-Tone Marketing Corp. v. Baikal Realty Corp., G.R. No. 149992, August 20, 2004, 437 SCRA 121, 143, citing Walstrom v. Mapa, Jr., G.R. No. 38387, January 29, 1990, 181 SCRA 431, 442.

[33] Ponce, D.R. Florencio, The Philippine Torrens System (1965), p. 213.

[34] Philippine Economic Zone Authority v. Fernandez, G.R. No. 138971, June 6, 2001, 358 SCRA 489, 499, citing Lucena v. CA, G.R. No. 77468, August 25, 1999, 313 SCRA 47.

[35] Rollo, pp. 94, 120, 144.

[36] Id. at 95, 121, 145.

[37] Ibid.

[38] Id. at 95-96, 121-122, 145-146.

[39] Id. at 96, 122, 146.

[40] Ibid.

[41] Id. at 97, 123, 147.

[42] See Tolentino, Arturo M., Commentaries and Jurisprudence on the Civil Code of the Philippines Vol. II (1992), pp. 148-149.

[43] Rollo, pp. 105, 132, 157, 158.

[44] Abrin v. Campos, G.R. No. 52740, November 12, 1991, 203 SCRA 420, 421; Estate of the late Mercedes Jacob v. CA, G.R. No. 120435, December 22, 1997, 283 SCRA 474.

[45] Santos v. CA, G.R. No. 61218, September 23, 1992, 214 SCRA 162, 163; Swan v. CA, G.R. No. 97319, August 4, 1992, 212 SCRA 114, 121; Heirs of Susana De Guzman Tuazon v. CA, G.R. No. 125758, January 20, 2004, 420 SCRA 219.

[46] Mendoza v. Teh, G.R. No. 122646, March 14, 1997, 269 SCRA 764, 768; Heirs of Susana De Guzman Tuazon v. CA, supra.

[47] Also known as "The Judiciary Act of 1948," as amended, which provides that:

SECTION 44. Original jurisdiction. — Courts of First Instance shall have original jurisdiction: x x x

(b) In all civil actions which involve the title to or possession of real property, or any interest therein, or the legality of any tax, impost or assessment, except actions of forcible entry into and detainer of lands or buildings, original jurisdiction of which is conferred by this Act upon city and municipal courts; x x x.

[48] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, otherwise known as the "Judiciary

Reorganization Act of 1980," approved on March 25, 1994.

[49] Sponsorship Speech of Senator Biazon, Record of the Senate dated October 6, 1993.

[50] Supra Note 24.

[51] Supra Note 27.

[52] Supra Note 25.

[53] Supra Note 26.

[54] Hilario v. Salvador, G.R. No. 160384, April 29, 2005, 457 SCRA 815, 826; See also Aquino, H.L., Remedial Law, Doctrines Enunciated in Ponencias on Jurisdiction, Procedure and Evidence Including Useful Outlines (2002), p. 218.

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