ANA DE GUIA SAN PEDRO AND ALEJO DOPEÑO, PETITIONERS, VS. HON. FATIMA G. ASDALA, IN HER CAPACITY AS THE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 87; HON...

G.R. No. 164560. July 22, 2009

Ponente: PERALTA, J.

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PERALTA, J.:

This resolves the petition for certiorari under Rule 65 of the Rules of Court, praying that the Resolutions[1] of the Court of Appeals (CA) dated September 15, 2003 and June 1, 2004, respectively, in CA-G.R. SP No. 78978, be reversed and set aside.

The antecedent facts are as follows.

Sometime in July 2001, private respondents, heirs of spouses Apolonio and Valeriana Dionisio, filed with the Metropolitan Trial Court (MeTC) of Quezon City, Branch 42, a Complaint[2] against herein petitioners and Wood Crest Residents Association, Inc., for Accion Reivindicatoria, Quieting of Title and Damages, with Prayer for Preliminary Mandatory Injunction. Private respondents alleged that subject property located in Batasan Hills, Quezon City, with an assessed value of P32,100.00, was titled in the name of spouses Apolonio and Valeriana Dionisio; but petitioners, with malice and evident bad faith, claimed that they were the owners of a parcel of land that encompasses and covers subject property. Private respondents had allegedly been prevented from entering, possessing and using subject property. It was further alleged in the Complaint that petitioners' Transfer Certificate of Title over their alleged property was spurious. Private respondents then prayed that they be declared the sole and absolute owners of the subject property; that petitioners be ordered to surrender possession of subject property to them; that petitioners and Wood Crest and/or its members be ordered to pay actual and moral damages, and attorney's fees.

Petitioners, for their part, filed a Motion to Dismiss[3] said complaint on the ground that the MeTC had no jurisdiction over the subject matter of the action, as the subject of litigation was incapable of pecuniary estimation.

The MeTC then issued an Order[4] dated July 4, 2002 denying the motion to dismiss, ruling that, under Batas Pambansa (B.P.) Blg. 129, as amended, the MeTC had exclusive original jurisdiction over actions involving title to or possession of real property of small value.

Petitioners' Motion for Reconsideration of said Order dated July 4, 2002 was denied.

Petitioners assailed the aforementioned Order by filing a petition for certiorari with the Regional Trial Court (RTC) of Quezon City, Branch 87. However, in its Decision[5] dated March 10, 2003, the RTC dismissed the petition, finding no grave abuse of discretion on the part of the MeTC Presiding Judge. The RTC sustained the MeTC ruling, stating that, in accordance with Section 33(3) of Republic Act (R.A.) No. 7691, amending B.P. Blg.

129, the MeTC had jurisdiction over the complaint for Accion Reivindicatoria, as it involves recovery of ownership and possession of real property located in Quezon City, with an assessed value not exceeding P50,000.00. A Motion for Reconsideration[6] of the Decision was filed by petitioners, but was denied in an Order[7] dated July 3, 2003.

Petitioners then filed with the Court of Appeals another petition for certiorari, insisting that both the MeTC and RTC acted with grave abuse of discretion amounting to lack or excess of jurisdiction by not ordering the dismissal of the complaint for Accion Reivindicatoria, for lack of jurisdiction over the same. In the assailed CA Resolution dated September 15, 2003, the CA dismissed the petition outright, holding that certiorari was not available to petitioners as they should have availed themselves of the remedy of appeal. Petitioners' motion for reconsideration of the resolution of dismissal was denied per Resolution[8] dated June 1, 2004.

Thus, petitioners filed the instant petition and, in support thereof, they allege that:

> THE HONORABLE COURT OF APPEALS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN (SIC) EXCESS OF JURISDICTION IN DENYING THE PETITION FOR CERTIORARI AND FOR FAILURE TO RESOLVE THE ISSUE RAISED IN THE CERTIORARI REGARDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURT TO TAKE COGNIZANCE OF A CASE OF ACCION REINVINDICATORIA.
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> THE HONORABLE PUBLIC RESPONDENT FATIMA GONZALES-ASDALA, AS PRESIDING JUDGE OF RTC BRANCH 87, QUEZON CITY, ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF (SIC) JURISDICTION IN DISMISSING THE PETITION FOR CERTIORARI AND IN RESOLVING THAT A CASE OF ACCION REINVINDICATORIA IS WITHIN THE JURISDICTION OF THE METROPOLITAN TRIAL COURT.
>
> THE HONORABLE PUBLIC RESPONDENT MANUEL TARO AS PRESIDING JUDGE MeTC, BRANCH 42, QUEZON CITY, ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN (SIC) EXCESS OF JURISDICTION IN SO TAKING COGNIZANCE OF THE COMPLAINT FOR ACCION REINVINDICATORIA IN CIVIL CASE NO. 27434 ENTITLED, "HEIRS OF SPS. APOLONIO V. DIONISIO AND VALERIANA DIONISIO, ETC. VS. ANA DE GUIA SAN PEDRO, ET. AL."[9]

The present Petition for Certiorari is doomed and should not have been entertained from the very beginning.

The settled rule is that appeals from judgments or final orders or resolutions of the CA should be by a verified petition for review on certiorari, as provided for under Rule 45 of the Revised Rules of Civil Procedure. Thus, in Pasiona, Jr. v. Court of Appeals,[10] the Court expounded as follows:

> The aggrieved party is proscribed from assailing a decision or final order of the CA via Rule 65, because such recourse is proper only if the party has no plain, speedy and adequate remedy in the course of law. In this case, petitioner had an adequate remedy, namely, a petition for review on certiorari under Rule 45 of the Rules of Court. A petition for review on certiorari, not a special civil action for certiorari was, therefore, the correct remedy.
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> Settled is the rule that where appeal is available to the aggrieved party, the special civil action for certiorari will not be entertained - remedies of appeal and certiorari are mutually exclusive, not alternative or successive. Hence, certiorari is not and cannot be a substitute for a lost appeal, especially if one's own negligence or error in one's choice of remedy occasioned such loss or lapse. One of the requisites of certiorari is that there be no available appeal or any plain, speedy and adequate remedy. Where an appeal was available, as in this case, certiorari will not prosper, even if the ground therefor is grave abuse of discretion. Petitioner's resort to this Court by Petition for Certiorari was a fatal procedural error, and the instant petition must, therefore, fail.[11]

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For the very same reason given above, the CA, therefore, acted properly when it dismissed the petition for certiorari outright, on the ground that petitioners should have resorted to the remedy of appeal instead of certiorari. Verily, the present Petition for Certiorari should not have been given due course at all.

Moreover, since the period for petitioners to file a petition for review on certiorari had lapsed by the time the instant petition was filed, the assailed CA Resolutions have attained finality.

Nevertheless, just to put the matter to rest, the Court reiterates the ruling in Heirs of Valeriano S. Concha, Sr. v. Spouses Lumocso,[12] to wit:

> In a number of cases, we have held that actions for reconveyance of or for cancellation of title to or to quiet title 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."
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> x x x 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 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."[13]

Clearly, the RTC and the CA ruled correctly that the MeTC had jurisdiction over private respondents' complaint for Accion Reivindicatoria.

IN VIEW OF THE FOREGOING, the petition is DISMISSED for utter lack of merit. The Resolutions of the Court of Appeals in CA-G.R. SP No. 78978, dated September 15, 2003 and June 1, 2004, are AFFIRMED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Velasco, Jr., and Nachura, JJ., concur.

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[1] Penned by Associate Justice Delilah Vidallon-Magtolis, with Associate Justices Jose L. Sabio, Jr. and Hakim S. Abdulwahid, concurring; rollo, pp. 27 & 29.

[2] Rollo, pp. 37-48.

[3] Id. at 78-84.

[4] Id. at 99-100.

[5] Penned by Judge Fatima Gonzales-Asdala; id. at 194-195.

[6] Rollo, pp. 196-199.

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[7] Id. at 255.

[8] Id. at 29.

[9] Id. at 14-15.

[10] G.R. No. 165471, July 21, 2008, 559 SCRA 137, citing Iloilo La Filipina Uycongco Corporationv. Court of Appeals, 539 SCRA 178, (2007).

[11] Id. at 151-142. (Emphasis and underscoring supplied).

[12] G.R. No. 158121, December 21, 2007, 540 SCRA 1.

[13] Id. at 16-18. (Emphasis supplied).

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