

**SPOUSES MELCHOR AND SATURNINA ALDE, PETITIONERS, VS.
RONALD B. BERNAL, OLYMPIA B. BERNAL, JUANITO B. BERNAL, AND
MYRNA D. BERNAL, RESPONDENTS.**

G.R. No. 169336. March 18, 2010

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-169336/>

CARPIO, J.:

The Case

This is a petition for review[1] of the 6 May 2005[2] and 3 August 2005[3] Resolutions of the Court of Appeals in CA G.R. SP No. 00195. In its 6 May 2005 Resolution, the Court of Appeals dismissed the petition for review filed by petitioners Melchor and Saturnina Alde (petitioners) for failure to comply with the Rules of Court. In its 3 August 2005 Resolution, the Court of Appeals denied petitioners' motion for reconsideration.

The Facts

Sometime in 1957, Adriano Bernal (Adriano), father of respondents Ronald, Olympia, Juanito and Myrna, all surnamed Bernal (respondents), entered upon, occupied and cultivated a parcel of land situated in San Antonio West, Don Carlos, Bukidnon. After a survey in 1992, the property was designated as Cadastral Lot No. 1123, Cad 1119-D, Case 8 with an area of 8.5043 hectares.

In January 1994, Adriano secured a loan of P5,000 from petitioners and turned over physical possession, occupation and cultivation of 1.5 hectares of the property.[4] In June 1994, Adriano secured another loan of P10,000 from petitioners and used another 1.5 hectares as security for its payment.[5] Petitioners then took possession and cultivated another 1.5 hectares of the property.

In September 1994, Adriano informed petitioners that he could no longer pay the loan obligation and that he was selling the whole property to petitioners for P80,000. The sale was evidenced by a "Kasabotan sa Palit sa Yuta"[6] dated 22 September 1994, signed by Adriano as owner of the land, Leona Bernal as Adriano's wife, with respondent Ronald Bernal (Ronald), among others, as witness. Petitioners took possession of the whole property and continued the cultivation of the land.

On 18 October 1994, Original Certificate of Title No. AO-7236[7] (OCT No. AO-7236) in the names of Adriano for an area of 3 hectares, Ronald for an area of 3 hectares, and respondent Juanito Bernal (Juanito) for an area of 2.5043 hectares was issued. OCT No. AO-7236 originated from Certificate of Land Ownership Award No. 00073938 (CLOA No. 00073938) issued by the Department of Agrarian Reform pursuant to Republic Act No. 6657.[8]

Then, sometime in April 2002, respondents demanded from petitioners P50,000 as additional consideration for the property. Respondents also informed petitioners, for the first time, of the existence of OCT No. AO-7236. Petitioners rejected respondents' request since they already bought the entire property in 1994 and requested that respondents turn-over to them OCT No. AO-7236. Respondents refused.

On 13 June 2002, respondents filed a complaint for recovery of ownership and possession of parcels of land with prayer for the issuance of a preliminary mandatory injunction and damages against petitioners before the Municipal Circuit Trial Court of Don Carlos-Kitaotao-Dangcagan, Don Carlos, Bukidnon (MCTC).[9] Respondents claimed that Adriano erroneously included their shares of the property in the sale. Juanito claimed that Adriano gave him 2.5043 hectares when he got married in 1978. While Ronald claimed that Adriano gave him 3 hectares when he got married in 1987.

In their Answer,[10] petitioners declared that they have been in open, notorious and peaceful occupation, possession and cultivation of the property in the concept of an owner since 1994 when they bought the property from Adriano. Petitioners argued that respondents have no legal right over the property and that CLOA No. 00073938 issued in respondents' name is void. Petitioners also asked that they be declared the absolute and legal owners of the property.

The Ruling of the MCTC

In its 19 November 2003 Decision,[11] the MCTC dismissed respondents' complaint. According to the MCTC, Adriano was the sole owner of the property and that Adriano sold the whole property to petitioners. The MCTC found no evidence of the transfer of ownership of the property from Adriano to Juanito and Ronald.

Respondents appealed to the Regional Trial Court, Malaybalay City, Branch 9 (RTC).

The Ruling of the RTC

In its 9 August 2004 Decision,[12] the RTC declared that, from the start until the sale to petitioners, the property was owned in common by Adriano, Juanito and Ronald. The dispositive portion of the RTC's 9 August 2004 Decision reads:

WHEREFORE, the decision of the Lower Court is hereby modified as follows:

- 1). Declaring the "Kasabutan Sa Palit Sa Yuta" dated September 22, 1994, to be valid legally and enforceable and must be adjudged to be owned by the defendants-appellees only in so far as the same refers to the portion previously owned by Adriano Bernal.
- 2). Declaring the plaintiffs-appellants as still the true and absolute owners of the respective three (3) hectares and 2.5043 hectares as above stated and must be issued separately [sic] a title therefor.
- 3). Ordering the defendants-appellees to return and deliver possession of the properties above mentioned to the plaintiffs-appellants.
- 4). Directing the Registry of Deeds to issue separate Certificate[s] of Title to the plaintiffs-appellants Ronald Bernal for 3.0000 hectares and Juanito Bernal for 2.5043 hectares and to the defendants-appellees the remaining portion of three hectares.
- 5). No award of any damages shall be awarded to any of the parties and with costs de officio.

SO ORDERED.[13]

Petitioners filed a motion for reconsideration. In its 25 October 2004 Order,[14] the RTC denied the motion.

Petitioners filed an appeal before the Court of Appeals.

The Ruling of the Court of Appeals

In its 6 May 2005 Resolution, the Court of Appeals dismissed the petition on technical grounds. The 6 May 2005 Resolution of the Court of Appeals declared:

Upon perusal of the case records, this Court FINDS the following infirmities that warrants the outright

dismissal of the instant case, to wit:

- The Regional Trial Court was not furnished with a copy of the petition, in violation of Section 1 of Rule 42 of the 1997 Revised Rules of Court;
- There was no proper verification, in violation of Section 4 of Rule 7 of the 1997 Revised Rules of Civil Procedure; and
- The nature of the case should only be Petition for Review and not Petition for Review on Certiorari because the latter would fall under Rule 45, an action before the Supreme Court.

Wherefore, premises considered, the instant Petition is hereby DISMISSED.

SO ORDERED.[15]

Petitioners filed a motion for reconsideration. In its 3 August 2005 Resolution, the Court of Appeals denied the motion.

Hence, this petition.

The Issues

Petitioners raise the following issues:

- THE HONORABLE COURT OF APPEALS ERRED IN DISMISSING THE PETITION FOR REVIEW ON PURELY TECHNICAL GROUNDS DISREGARDING THE MERITS OF THE APPEAL;
- THE HONORABLE COURT OF APPEALS ERRED IN FAILING TO APPRECIATE THE MERITS OF THE CASE WHICH COULD HAVE REVERSED THE DECISION OF THE LOWER COURT HAD THE PETITION FOR REVIEW BEEN GIVEN DUE COURSE.[16]

The Ruling of the Court

The petition is meritorious.

The Court of Appeals' dismissal of petitioners' petition on purely technical grounds was unwarranted. We agree with petitioners that the late filing and service of a copy of the petition to the RTC was not a substantial infirmity that should cause the outright dismissal of the petition.

Likewise, the verification of a pleading is only a formal, not jurisdictional, requirement.[17] The purpose of requiring a verification is to secure an assurance that the allegations in the petition are true and correct, not merely speculative.[18] This requirement is simply a condition affecting the form of pleadings, and non-compliance therewith does not necessarily render the pleading fatally defective.[19]

The dismissal of appeals on purely technical grounds is frowned upon for it is far more better for the courts to excuse a technical lapse and afford the parties a review of the case on the merits to attain the ends of justice.[20]

Respondents Failed to Prove their Title over the Property

As to the merits of the case, petitioners argue that, contrary to the findings of the RTC, respondents failed to present any evidence to show that they owned parts of the property in dispute. Petitioners insist that the claim of Juanito and Ronald that Adriano donated to them their respective shares in the property is not supported by any evidence. Petitioners maintain that Juanito and Ronald's claims are self-serving and merely fabricated.

As to the "Kasabotan sa Palit sa Yuta," petitioners point out that it was prepared in the local dialect of which Adriano and Ronald were conversant. According to petitioners, Adriano and Ronald cannot just deny knowledge

of the said document and claim that they just affixed their signatures without reading the document. Petitioners maintain that Adriano was the sole owner of the property and that he had the right to sell, transfer, convey and dispose of the same.

Petitioners aver that they have been in open, public and peaceful possession, occupation and cultivation of the property in the concept of an owner since the sale of the property by Adriano in 1994. Petitioners pray that they be declared the absolute and legal owners of the property. Petitioners also pray that respondents be ordered to turn over CLOA No. 00073938 and OCT No. AO-7236 to them, the real owners of the property.[21]

On the other hand, respondents insist that Adriano could not have sold the entire property because he was no longer the owner thereof on 22 September 1994. Respondents maintain that Adriano verbally donated to them their respective shares in the property way back in 1978 and 1987. Respondents explain that Adriano did not know that he was selling the whole property and not just his assigned 3 hectares to petitioners. Ronald also claims that he did not know the contents of the deed of sale when he signed it as a witness.

We agree with petitioners that respondents failed to present any evidence to show that they owned parts of the property in dispute. First, in the stipulation of facts during the pre-trial conference before the MCTC, respondents admitted that the land was owned by Adriano. While both Juanito and Ronald claimed that Adriano donated to them their respective portions of the property when they got married in 1978 and 1987, respectively, they did not present any deed of donation. As the MCTC stated in its 19 November 2003 Decision, "the transfers cannot be by donation because the law requires that for donation to be effective, it must be in a public instrument and in this case there is none." [22]

Second, the tax declaration offered by respondents as evidence only mentioned Adriano as the owner of the whole property.[23] While tax declarations are not conclusive evidence of ownership, they constitute proof of claim of ownership.[24] Respondents did not present any credible explanation why the tax declaration was only under the name of Adriano.

Third, contrary to Ronald's claim, the June 1994 deed of mortgage[25] did not clearly show that he was the owner of the property and that petitioners recognized him as such. While Ronald's name appeared in the body of the deed, the designation as owner of the property under his name was crossed-out. It was Adriano who signed the deed of mortgage and the designation as owner of the property appeared under his name.

Fourth, Ronald was present when the deed of sale was executed on 22 September 1994 and he even signed as one of the witnesses. We find it hard to believe that Ronald and Adriano did not understand the contents of the deed when it was written in their local dialect. Moreover, it took respondents more than seven years to question Adriano's sale of the whole property to petitioners.

Lastly, respondents claim ownership of the property based on OCT No. AO-7236. However, a certificate of title is not equivalent to title.[26] In *Lee Tek Sheng v. Court of Appeals*, [27] we explained:

By title, the law refers to ownership which is represented by that document [the Original Certificate of Title or the Transfer Certificate of Title]. Petitioner apparently confuses certificate with title. Placing a parcel of land under the mantle of the Torrens system does not mean that ownership thereof can no longer be disputed. Ownership is different from a certificate of title. The TCT is only the best proof of ownership of a piece of land. Besides, the certificate cannot always be considered as conclusive evidence of ownership. Mere issuance of the certificate of title in the name of any person does not foreclose the possibility that the real property may be under co-ownership with persons not named in the certificate or that the registrant may only be a trustee or that other parties may have acquired interest subsequent to the issuance of the certificate of title. To repeat, registration is not the equivalent of title, but is only the best evidence thereof. Title as a concept of ownership

should not be confused with the certificate of title as evidence of such ownership although both are interchangeable.[28] (Emphasis supplied)

In this case, respondents cannot claim ownership over the disputed portions of the property absent any showing of how they acquired title over the same.

Accordingly, the property must be reconveyed in favor of petitioners, the true and actual owners of the property. An action for reconveyance is a legal and equitable remedy granted to the rightful owner of land which has been wrongfully or erroneously registered in the name of another for the purpose of compelling the latter to transfer or reconvey the land to him.[29]

However, since petitioners did not make a direct attack on the validity of OCT No. AO-7236 and had not asked for the cancellation of the original certificate of title as required by Section 48[30] of Presidential Decree No. 1529,[31] this Court cannot cancel OCT No. AO-7236 and order the issuance of a new certificate of title in the name of petitioners. Any direct attack on the validity of a Torrens certificate of title must be instituted with the proper Regional Trial Court.[32] This case originated in the Municipal Circuit Trial Court. Even if we consider petitioners' counter-claim as a petition for the cancellation of OCT No. AO-7236 and, thus, a direct attack on the certificate of title, the MCTC still does not have jurisdiction over the cancellation of a Torrens title.

WHEREFORE, we GRANT the petition. We SET ASIDE the 6 May 2005 and 3 August 2005 Resolutions of the Court of Appeals in CA G.R. SP No. 00195. We REINSTATE the 19 November 2003 Decision of the Municipal Circuit Trial Court of Don Carlos-Kitaotao-Dangcagan, Don Carlos, Bukidnon.

SO ORDERED .

Brion, Del Castillo, Abad, and Perez, JJ., concur.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 86-87. Penned by Associate Justice Normandie B. Pizzaro, with Associate Justices Arturo G. Tayag and Rodrigo F. Lim, Jr., concurring.

[3] Id. at 98-102.

[4] Id. at 28-29.

[5] Id. at 30-31. Although in the body of the deed, the name of Ronald appears as the one who mortgaged the property, Ronald only signed as a witness and the words "owner of the property" under his name was crossed-out. Adriano Bernal signed the deed as owner of the property.

[6] Id. at 32.

[7] Id. at 33-34.

[8] "An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanisms For Its Implementation, and Other Purposes," which took effect on 15 June 1988.

[9] Rollo, pp. 19-26.

[10] Id. at 35-45.

[11] Id. at 53-57. Penned by Judge Dante L. Villa.

- [12] Id. at 58-76. Penned by Judge Rolando S. Venadas, Sr.
- [13] Id. at 75-76.
- [14] Id. at 77-84.
- [15] Id. at 86-87.
- [16] Id. at 3-4.
- [17] *Torres v. Specialized Packing Development Corporation*, G.R. No. 149634, 6 July 2004, 433 SCRA 455.
- [18] *Fernandez v. Novero, Jr.*, 441 Phil. 506 (2002).
- [19] *Manila International Airport Authority v. Ding Velayo Sports Center, Inc.*, G.R. No. 161718, 20 September 2004.
- [20] *Almelor v. Regional Trial Court of Las Piñas City, Br. 254*, G.R. No. 179620, 26 August 2008, 563 SCRA 447.
- [21] *Rollo*, pp. 3-17.
- [22] Id. at 56.
- [23] Id. at 27.
- [24] *Republic v. T.A.N. Properties, Inc.*, G.R. No. 154953, 26 June 2008, 555 SCRA 477.
- [25] *Rollo*, pp. 30-31.
- [26] *Pineda v. Court of Appeals*, 456 Phil. 732 (2003).
- [27] 354 Phil. 556 (1998).
- [28] Id. at 561-562.
- [29] *Heirs of Saldares v. Court of Appeals*, 464 Phil. 958 (2004); *Esconde v. Barlongay*, 236 Phil. 644 (1987).
- [30] Section 48 of the Property Registration Decree provides:
- SEC. 48. Certificate not subject to collateral attack. - A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.
- [31] Entitled "Amending and Codifying the Laws Relative to Registration of Property and For Other Purposes." Also known as the "Property Registration Decree."
- [32] Section 19(2) of Batas Pambansa Blg. 129, as amended, provides:
- SEC. 19. Jurisdiction in civil cases. - Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x

(2) In all civil actions which involve title to, or possession of, real property, or any interest thereon, 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.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.