

**GAUDENCIO LABRADOR, REPRESENTED BY LULU LABRADOR USON,  
AS ATTORNEY-IN-FACT, PETITIONER, VS. SPS. ILDEFONSO PERLAS  
AND PACENCIA PERLAS AND SPS. ROGELIO POBRE AND MELINDA  
FOGATA P...**

*G.R. No. 173900. August 08, 2010*

Ponente: CARPIO, J.

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**CARPIO, J.:**

**The Case**

This is a petition for review[1] of the Court of Appeals' Decision[2] dated 22 November 2005 and Resolution dated 26 July 2006 in CA-G.R. CV No. 64537. The Court of Appeals affirmed the Decision[3] dated 23 June 1998 of the Regional Trial Court of Iba, Zambales, Branch 70 (RTC).

**The Facts**

Petitioner and respondents presented two different versions of the facts of this case.

Petitioner Gaudencio Labrador, represented by Lulu Labrador Usón as attorney-in-fact, alleges that he is the registered owner of a parcel of land situated in Bangan-Alalang, Barrio Amungan, Iba, Zambales, consisting of 53,358 square meters, and covered by Original Certificate of Title (OCT) No. P-3030 issued on 16 January 1973. Sometime between 1957 and 1958, Melecio Labrador (Melecio), petitioner's father and predecessor-in-interest, was requested by respondent spouses Ildefonso Perlas and Pacencia Perlas (Spouses Perlas) to be allowed to live temporarily in a portion of the said parcel of land. Ildefonso Perlas was a relative of Casiana Aquino, the wife of Melecio. Melecio acceded to the request, on the condition that Spouses Perlas would vacate the occupied portion of land upon demand by Melecio or by any of his heirs or representatives. Later, Spouses Perlas requested Melecio to allow them to occupy another portion of the land to be used as vegetable plantation. Again, Melecio acceded to their request.

In 1979, without the knowledge and consent of petitioner, Spouses Perlas sold the portions of land they were occupying to respondent spouses Rogelio Pobre and Melinda Fогата Pobre (Spouses Pobre). Upon knowledge of the sale sometime in 1992, petitioner instructed his representative to demand that Spouses Perlas vacate the occupied portions of land, but the latter refused to do so.

On 20 October 1994, petitioner filed with the RTC of Iba, Zambales, a Petition for Annulment of Deed of Absolute Sale, Recovery of Possession and/or Ownership, with Application for Issuance of Preliminary Mandatory Injunction and Temporary Restraining Order and Damages, docketed as Civil Case No. RTC-1081-I.

Respondents, on the other hand, allege that since 1957, Ildefonso Perlas and his family had been living in a parcel of land situated in Sitio Bolintabog, Barangay Amungan, Iba, Zambales. Ildefonso improved and developed said

land without the intervention of Melecio Labrador whose land is separate and distinct from that occupied by Ildefonso and his family. The subject land occupied by Ildefonso and his family was declared as alienable and disposable public land in a Certification dated 20 January 1983 issued by the Provincial Officer of the Bureau of Lands in Iba, Zambales. Respondents now claim that Spouses Perlas are the absolute owners of the subject land measuring 2,903.6 square meters and covered by Tax Declaration No. 001-1390 issued in 1994.

#### The Trial Court's Ruling

On 23 June 1998, the RTC rendered a Decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered :

1. Declaring Spouses Ildefonso Perlas and Pacencia Perlas to be the lawful owners of lot covered by Tax Declaration No. 001-1390;
2. Declaring Spouses Rogelio Pobre and Melinda Fogata Pobre the lawful owners of lot covered by Exhibit F (Deed of Absolute Sale executed by defendant Ildefonso Perlas in favor of defendant Spouses Pobre on 6 March 1979);
3. That in the event the lot covered by Tax Declaration No. 001-1390 is within Original Certificate of Title No. P-3030, ordering the plaintiff to reconvey said portion to the defendants.
4. No pronouncement as to damages and costs.

SO ORDERED.[4]

Petitioner filed a Motion for Reconsideration, but this was denied by the RTC in its Order dated 28 June 1999.

#### The Court of Appeals' Ruling

On appeal, the Court of Appeals rendered judgment,[5] affirming the decision of the RTC, thus:

WHEREFORE, the instant appeal is DENIED for lack of merit and the assailed decision dated June 23, 1998 of the Regional Trial Court of Iba, Zambales, Branch 70, is AFFIRMED.

SO ORDERED.[6]

Petitioner's Motion for Reconsideration was denied by the Court of Appeals in its Resolution dated 26 July 2006.[7]

Hence, this appeal.

#### The Issue

The issue for resolution is whether the Court of Appeals erred in affirming the RTC Decision.

#### The Court's Ruling

We find the appeal meritorious.

In its Decision dated 23 June 1998,[8] the trial court recognized the validity of the issuance of OCT No. P-3030 dated 16 January 1973 in the name of petitioner. We quote the pronouncement of the trial court:

There is no doubt that the land owned by plaintiff is titled in his name and this consists of 53,358 square meters. This cannot be just ignored and the Court believes that when the Registry of Deed (sic) issued Original Certificate of Title No. P-3030, all the requirements of the law were followed. Section 3 of Rule 131 of the

Rules of Court provides:

"Sec. 3. Disputable Presumptions- The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x x x

(m) that official duty has been regularly performed;

x x x x x x

(ff) that the law had been obeyed."[9]

Nonetheless, the trial court ruled that the lot occupied by respondents Ildefonso and Pacencia Perlas, which petitioner claimed to be covered by OCT No. P-3030, was lawfully owned by said respondents and hence, validly sold to their co-respondents Rogelio Pobre and Melinda Fogata Pobre. The trial court ratiocinated that the testimony of petitioner's representative and attorney-in fact, Lulu Uson, stating that Spouses Perlas had been residing on the subject land since Uson was eight years old, or sometime in 1957, corroborated by the testimony of petitioner's witness, Engineer Regino L. Sobrevinas that the subject land was already occupied and possessed by Spouses Perlas "even before he [Sobrevinas] surveyed it since these are planned to be donated to the defendants [Spouses Perlas]," showed that petitioner "recognized the possession and the ownership" by Spouses Perlas of the subject land. The trial court ruled further that petitioner's inaction and delay in asserting his rights over the subject land constituted laches which barred him from recovering said land. Meanwhile, Spouses Perlas were in possession of the subject land, introduced valuable and permanent improvements thereon, and were issued a tax declaration and several certifications by government surveyors. These, according to the trial court, proved Spouses Perlas' possession and occupation of the subject land in the concept of an owner. Finally, the trial court ruled that "the area of 2,903.6 square meters being occupied by the defendants [Spouses Perlas] is a very meager portion of the 53,358 square meters covered by Original Certificate of Title No. P-3030. Social justice and equity will be well served if this meager portion be awarded to the defendants."[10]

We do not agree.

First, petitioner has a valid claim over the property covered by OCT No. P-3030 issued in his name. OCT No. P-3030 was declared valid by the trial court, and respondents do not question the title's validity.[11] Also, under the Torrens System of registration, an OCT becomes indefeasible and incontrovertible one year after its final decree. It is a fundamental principle in land registration that the certificate of title serves as evidence of an indefeasible and incontrovertible title to a property in favor of the person whose name appears therein.[12]

Second, contrary to the ruling of the trial court, the testimonies of petitioner's witnesses, Lulu Uson and Engineer Sobrevinas, to the effect that Spouses Perlas were occupying the subject land since 1957, do not prove ownership or adverse possession by the spouses, especially in the light of petitioner's claim that occupation of the subject land by Spouses Perlas was merely tolerated by petitioner and his predecessor-in-interest, Melecio Labrador. The trial court also failed to consider the portion of Engineer Sobrevinas' testimony stating that the subject land was "segregated" since it was "originally planned to be donated to [Spouses] Perlas." If petitioner recognized the adverse possession and ownership of the subject land by Spouses Perlas, why would petitioner plan to donate the same to the latter?

Third, the trial court's ruling that petitioner had a long and unexplained inaction in asserting his claim over the subject property, and hence, is barred by laches from recovering his property, is without basis. Petitioner has a valid title over his property (i.e., the land covered by OCT P-3030). As a registered owner, petitioner has a right to eject any person illegally occupying his property. This right is imprescriptible and can never be barred by laches. In *Bishop v. Court of Appeals*,[13] we held, thus:

As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners' occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches.[14]

Finally, the trial court cannot hold "social justice and equity" as bases for granting the subject land to respondents Spouses Perlas. Social justice and equity cannot be used to justify the court's grant of property to one at the expense of another who may have a better right thereto under the law. These principles are not intended to favor the underprivileged while purposely denying another of his rights under the law. In the words of Justice Perfecto, "The magic words 'social justice' are not a shibboleth which courts may readily avail of as a shield for shirking their responsibility in the application of law." [15]

We note, however, that Spouses Perlas alleged that the subject land covered by Tax Declaration No. 001-1390, which they claim to have occupied since 1957, is separate and distinct from the land covered by OCT No. P-3030 issued in the name of petitioner.[16] Unfortunately, the trial court neglected to determine whether there is truth to this allegation. Such determination is crucial in this case since if the subject land covered by Tax Declaration No. 001-1390 is separate and distinct from petitioner's land covered by OCT No. P-3030, then petitioner may have no basis for his claim on the subject land. The trial court merely ordered in the dispositive portion of its Decision: "That in the event the lot covered by Tax Declaration No. 001-1390 is within Original Certificate of Title No. P-3030, ordering the plaintiff to reconvey said portion to the defendants." [17]

On appeal by petitioner, the Court of Appeals held:

The records reveal the following undisputed facts:

- a) that defendants-appellees Spouses Perlas have been in actual possession of the subject property since 1957;
- b) that OCT No. P-3030 in the name of the plaintiff-appellant covering an agricultural land with an area of 53,358 square meters located at Bangan-Alalang, Amungan, Iba, Zambales was issued on January 18, 1973 by virtue of Free Patent No. 528213;
- c) that a Certification dated January 12, 1983 was signed and issued by district Forester Jose Acain, Bureau of Forest Development, stating that the subject parcel of land was alienable and disposable; and
- d) that a Certification dated January 20, 1983 signed by Teofilo T. Murcia, Officer-in-Charge, Sub-Office No. III-4 (1), Bureau of Lands and Ambrocio D. Pangilinan, Jr., Land Investigator of the same office, was issued stating that the subject parcel of land being claimed by Ildefonso Perlas is within the alienable and disposable area.

The foregoing facts clearly show that the subject property being occupied by defendants-appellees was previously part of the public land declared as alienable and disposable, and they have been in possession of the same long before the issuance of OCT No. P-3030 in the name of the plaintiff-appellant. These bolster defendants-appellees' assertion that the said property is separate and distinct from that of the plaintiff-appellant registered under the said title.[18] (Emphasis supplied)

We are not convinced that the above-enumerated evidences are sufficient to prove that the subject property claimed and sold by Spouses Perlas is separate and distinct from the land covered by OCT No. P-3030 issued in the name of petitioner.

In view of the foregoing, and considering that it is not a function of this Court to try facts, or to review, examine, evaluate and weigh the probative value of the evidence presented,[19] we deem it necessary to remand this case to

the trial court for further proceedings to determine whether the subject land occupied by Spouses Perlas since 1957 and covered by Tax Declaration No. 001-1390 is included in the land covered by OCT No. P-3030 issued in the name of petitioner.

WHEREFORE, we GRANT the petition. We SET ASIDE the Court of Appeals' Decision dated 22 November 2005 and Resolution dated 26 July 2006 in CA-G.R. CV. No. 64537. We REMAND this case to the Regional Trial Court of Iba, Zambales, Branch 70, for further proceedings to determine whether the land covered by Tax Declaration No. 001-1390 issued in the name of respondent Ildefonso Perlas is included in the land covered by OCT No. P-3030 issued in the name of petitioner Gaudencio Labrador.

**SO ORDERED.**

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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

[2] Penned by Associate Justice Aurora Santiago-Lagman, with Associate Justices Ruben T. Reyes (a retired member of the Supreme Court) and Rebecca De Guia-Salvador, concurring.

[3] Penned by RTC Judge Felix Mamenta, Jr.

[4] Rollo, p. 85.

[5] Promulgated on 22 November 2005.

[6] Rollo, p. 44.

[7] Id. at 59.

[8] Id. at 77-85.

[9] Id. at 81-82.

[10] Id. at 84.

[11] See Comment and Memorandum of the Respondents, id. at 91-99 and 132-142, respectively.

[12] *Heirs of Brunas v. Court of Appeals*, 372 Phil. 47, 55 (1999).

[13] G.R. No. 86787, 8 May 1992, 208 SCRA 636.

[14] Id. at 641.

[15] *Philippines Sugar Estates Development Co., Inc. v. Prudencio*, 76 Phil. 111, 113 (1946).

[16] Comment and Memorandum of the Respondents, rollo, pp. 92 and 134, respectively.

[17] RTC Decision dated 23 June 1998, p. 9; id. at 85.

[18] Rollo, pp. 41-42

[19] *Buenaventura v. Pascual*, G.R. No. 168819, 27 November 2008, 572 SCRA 143, 157.

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