

**FERNANDA GEONZON VDA. DE BARRERA AND JOHNNY OCO, JR.,
PETITIONERS, VS. HEIRS OF VICENTE LEGASPI, REPRESENTED BY
PEDRO LEGASPI, RESPONDENTS.**

G.R. No. 174346. September 12, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Under review before this Court is the July 31, 2006 Decision of the Court of Appeals,[1] which affirmed that of the Regional Trial Court, Branch 16, of Tangub City in Civil Case No. TC-97-001, ordering the defendants-petitioners herein, Fernanda Geonzon vda. de Barrera and Johnny Oco. Jr. to return possession of the subject property to the plaintiffs-herein respondents, Heirs of Vicente Legaspi.

On October 1, 1996, petitioner Johnny Oco Jr. (Oco), said to be a "peace officer connected with the PNP," accompanied by "unidentified CAFGU members," forced his way into respondents' 0.9504-hectare irrigated farmland located at Liloan, Bonifacio, Misamis Occidental. After dispossessing respondents of the property, Oco and company used a tractor to destroy the planted crops, took possession of the land, and had since tended it.[2]

Respondents thus filed on February 7, 1997 a complaint before the Regional Trial Court of Tangub City for Reconveyance of Possession with Preliminary Mandatory Injunction and Damages[3] against petitioners.

In their Answer, petitioners claimed that the subject land forms part of a three-hectare property described in OCT No. P-447 issued on February 10, 1956 in the name of Andrea Lacson who sold a 2-hectare portion thereof to Eleuterio Geonzon who, in turn, sold 1.1148 thereof to his sister petitioner Fernanda Geonzon vda. de Barrera (Fernanda).[4]

Respondents, on the other hand, asserted that the land was occupied, possessed and cultivated by their predecessor-in-interest Vicente Legaspi and his wife Lorenza since 1935;[5] after a subdivision survey was conducted in November 30, 1976, it was found out that the land formed part of the titled property of Andrea Lacson;[6] and despite this discovery, they never filed any action to recover ownership thereof since they were left undisturbed in their possession,[7] until October 1, 1996 when petitioners forced their way into it.

Petitioners raised the issue of ownership as a special affirmative defense.[8] In their Memorandum, however, they questioned the jurisdiction of the RTC over the subject matter of the complaint, the assessed value of the land being only P11,160,[9] as reflected in Tax Declaration No. 7565.[10]

By Decision of November 27, 1998, the trial court found for respondents, disposing as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs [herein respondents] and against the defendants [-herein petitioners]:

- Ordering the latter to return the possession of the land in question to the plaintiffs and
- Ordering the latter to desist from further depriving and disturbing plaintiffs' peaceful possession thereof,

unless there be another court judgment to the contrary.

SO ORDERED.

On the issue of jurisdiction over the subject matter, the trial court, maintaining that it had, held:

The Court is not persuaded by [the defendants'] arguments. What determines the nature of the action as well as the jurisdiction of the [c]ourt are the facts alleged in the complaint and not those alleged in the answer of the defendants.

x x x x

In [p]ar. 2 of plaintiffs' complaint, the land in question was described as a riceland "situated at Liloan, Bonifacio, Misamis Occ. and declared under [T]ax [D]eclaration No. 7564 in the name of Vicente Legaspi and bounded on the north by a creek, on the east Sec. 12, on the south Lot No. 007 and on the west also by Lot No. 007 which tax declaration cancels former [T]ax [D]eclaration No. 12933 under the name of Lorenza Bacul Legaspi which likewise cancels [T]ax [D]eclaration No. 5454 covering the bigger portion of the land under which the land described under [T]ax [D]eclaration No. 7565 is part and parcel thereof [sic]; the present estimated value being P50,000." [11] (Emphasis and underscoring supplied)

Petitioners thereupon appealed to the Court of Appeals which affirmed the trial court's disposition of the issue of jurisdiction over the subject matter.

On the merits, the appellate court affirmed too the trial court's decision, finding that "both testimonial and documentary evidence on record established that appellees, through their predecessors-in-interest, have been in peaceful, continuous, public and actual possession of the property in dispute even before the year 1930." [12]

The appellate court emphasized that in an accion publiciana, the only issue involved is the determination of possession de jure. [13]

Hence, the present petition for review which raises the following issues:

I. . . . WHETHER OWNERSHIP AND TITLE CANNOT BE AN ISSUE TO DETERMINE WHO HAS A BETTER RIGHT [TO] THE PORTION LITIGATED; AND

II. WHETHER . . . THE NATURE OF THE ACTION AS WELL AS THE JURISDICTION OF THE COURT DEPEND ON THE FACTS AS ALLEGED IN THE COMPLAINT. [14]

For obvious reasons, the issue of lack of jurisdiction over the subject matter shall be first considered.

Section 33 of Batas Pambansa Bilang 129, (the Judiciary Reorganization Act of 1980), as amended by Republic Act No. 7691 provides for the jurisdiction of metropolitan trial courts, municipal trial courts and municipal circuit trial courts, to wit:

x x x x

(3) Exclusive original jurisdiction in 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: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots. (Emphasis, italics and underscoring supplied)

Before the amendments introduced by Republic Act No. 7691, the plenary action of accion publiciana was to be

brought before the regional trial court.[15] With the modifications introduced by R.A. No. 7691 in 1994, the jurisdiction of the first level courts has been expanded to include jurisdiction over other real actions where the assessed value does not exceed P20,000, P50,000 where the action is filed in Metro Manila. The first level courts thus have exclusive original jurisdiction over accion publiciana and accion reivindicatoria where the assessed value of the real property does not exceed the aforestated amounts. Accordingly, the jurisdictional element is the assessed value of the property.

Assessed value is understood to be "the worth or value of property established by taxing authorities on the basis of which the tax rate is applied. Commonly, however, it does not represent the true or market value of the property." [16]

The subject land has an assessed value of P11,160 as reflected in Tax Declaration No. 7565, a common exhibit of the parties. The bare claim of respondents that it has a value of P50,000 thus fails. The case, therefore, falls within the exclusive original jurisdiction of the municipal trial court.

It was error then for the RTC to take cognizance of the complaint based on the allegation that "the present estimated value [of the land is] P50,000," which allegation is, oddly, handwritten on the printed pleading. The estimated value, commonly referred to as fair market value,[17] is entirely different from the assessed value of the property.

Lack of jurisdiction is one of those excepted grounds where the court may dismiss a claim or a case at any time when it appears from the pleadings or the evidence on record that any of those grounds exists, even if they were not raised in the answer or in a motion to dismiss.[18] That the issue of lack of jurisdiction was raised by petitioners only in their Memorandum filed before the trial court did not thus render them in estoppel.

En passant, the Court notes that respondents' cause of action - accion publiciana is a wrong mode. The dispossession took place on October 1, 1996 and the complaint was filed four months thereafter or on February 7, 1997. Respondents' exclusion from the property had thus not lasted for more than one year to call for the remedy of accion publiciana.

In fine, since the RTC has no jurisdiction over the complaint filed by respondents, all the proceedings therein as well as the Decision of November 27, 1998, are null and void. The complaint should perforce be dismissed. This leaves it unnecessary to still dwell on the first issue.

WHEREFORE, the petition is hereby GRANTED. The challenged July 31, 2006 Decision of the Court of Appeals is SET ASIDE. The decision of Branch 16 of the Regional Trial Court of Tangub City in Civil Case No. TC-97-001 is declared NULL and VOID for lack of jurisdiction.

SO ORDERED.

Quisumbing, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Penned by Justice Ramon R. Garcia and concurred in by Justices Romulo V. Borja and Mario V. Lopez.

[2] TSN, March 16, 1998, pp. 22-25.

[3] Per Pre-Trial Order dated October 2, 1997; Records, pp. 24-25. The complaint was originally for "Reconveyance, Possession with Preliminary Mandatory Injunction with Damages."

[4] Records, pp. 10-11.

[5] TSN, January 14, 1998, p. 7.

[6] Records, p. 63; Exhibit "E."

[7] TSN, February 3, 1998, p.22.

[8] Records, pp. 10-14.

[9] Id. at p. 133.

[10] Id. at p. 45; Exhibit "C" for the plaintiffs, Exhibit "3" for the defendants.

[11] Rollo, p. 39.

[12] Id. at p. 26-27.

[13] Id. at p. 25.

[14] Id. at p. 8.

[15] *Aguilon v. Bohol*, G.R. No. L-27169, October 20, 1977, 169 Phil. 473, 476, citing *Tenorio v. Gomba*, 81 Phil. 54.

[16] *Black's Law Dictionary*, 5th Ed., p. 106.

[17] Fair market value is the price at which a property may be sold by a seller who is not compelled to sell and bought by a buyer who is not compelled to buy (Section 199, R.A. 7160 or the LOCAL GOVERNMENT CODE).

[18] *Francel Realty Corporation v. Sycip*, G.R. No. 154684, September 8, 2005, 469 SCRA 424, 432.

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