

CARLOS GONZALEZ, PETITIONER, VS. HON. JUDGE MERCEDES POSADA LACAP, REGIONAL TRIAL COURT, BRANCH 15, MANILA CITY; AND ESTRELLA G. MEDRANO, RESPONDENTS.

G.R. No. 180730. December 11, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

For resolution is a Petition[1] for certiorari under Rule 65 of the Rules of Court assailing the Order[2] dated August 28, 2007 and the Order[3] dated October 16, 2007 of the Regional Trial Court (RTC), Branch 15, Manila, in Civil Case No. 06-115100 entitled *Estrella G. Medrano v. Zenaida B. Gonzalez*.

The antecedent facts are as follows:

Plaintiff Estrella G. Medrano and defendant Zenaida B. Gonzalez are sisters, being the daughters of Spouses Conrado B. Gonzalez and Miguela B. Gonzalez (now both deceased). On May 19, 2006, plaintiff filed a Complaint[4] against defendant alleging, among others, that:

x x x x

- On 10 January 1953, Spouses Conrado and Miguela Gonzalez, bought, out of their conjugal funds, two (2) parcels of land (Lot No. 11 and Lot No. 13) which were then covered by TCT No. 19593/T-372. A Transfer Certificate of Title No. 31206 was issued under the name of one of their children, herein Defendant Zenaida B. Gonzalez. Copy of said Transfer Certificate of Title is hereto attached and marked as Annex "A";

- Thereafter, or on 14 August 1957, Spouses Conrado and Miguela Gonzalez bought the remaining lots described in TCT No. 19593/T-372. Again, the subject lots were placed under the name of herein Defendant Zenaida B. Gonzalez as shown by TCT Nos. 48477 and 48478. Copy of said Transfer Certificates of Titles are hereto attached and marked as Annexes "B" and "C," respectively;

- At the time the aforementioned Deeds of Sale were executed, the intention of the buyers is that herein defendant will only be considered as trustee while the Spouses Gonzalez, being the real buyers, hold the beneficial interest over the said properties;

- In fact, the improvements made on the subject lot, which likewise came from the spouses' conjugal funds, remain to be the residence of one of the brothers of herein parties, Asterio Gonzalez, and his family. Also, whenever Plaintiff and her family, or any other sibling, would visit the Philippines, they would stay in the said ancestral house;

- During the lifetime of Spouses Conrado and Miguela, and until the time of their death, there was never an intention on their part to have the subject properties transferred solely to Defendant Zenaida Gonzalez. The residential house built on the said land remains to be the ancestral house of the family;

- However, sometime in March 2005, plaintiff Medrano and her family went to the Philippines for a vacation.[5] As always, they proceeded to their ancestral house in Instruccion, Sampaloc. But to her great

surprise, they were not allowed to stay there, much less come in, as herein defendant claims sole ownership over the subject property, to the exclusion of the other siblings. To date, defendant continues to refuse plaintiff's entry to the said property despite several repeated demands;

- Defendant's claim is malicious, baseless and unfounded. As previously stated, the aforesaid properties were owned by their parents, Spouses Conrado and Miguela. As such, after the death of the latter, Plaintiff Estrella became a successor-in-interest by operation of law, to the extent of 1/7 of the entire property.[6]

Plaintiff prayed that the RTC, after trial, issue an Order --

- Declaring that 1/7 of the property described in Transfer Certificates of Title Nos. 31206, 48477 and 48478, together with all the improvements thereon, belong to plaintiff Estrella Medrano;
- Ordering the partition of the afore-described properties;
- Directing the reconveyance and transfer of 1/7 part of the aforementioned property in the name of the plaintiff.[7]

She also prayed that defendant be directed to pay her P200,000.00 as attorney's fees, P500,000.00 as moral damages, P500,000.00 as exemplary damages, litigation expenses, and the costs of suit.[8]

In her Answer,[9] defendant denied the allegations in the complaint claiming that the subject properties are owned exclusively by her; that plaintiff admitted in a Deed of Extra-Judicial Settlement that the only property left by their deceased parents was a parcel of land located in Quezon City and did not include defendant's duly registered real properties; that the right of action of plaintiff had already prescribed, the complaint being one for reconveyance; and that plaintiff was already barred by laches.

On September 2, 2006, defendant executed a Deed of Assignment[10] in favor of her elder brother Carlos B. Gonzalez over the subject properties, including a parcel of land in Nueva Ecija covered by TCT No. NT-29578.

On October 12, 2006, defendant filed a Motion for Substitution[11] alleging that, due to financial constraints occasioned by her medical and hospitalization needs, she had sold her properties subject of the case to Carlos B. Gonzalez and prayed that she be substituted by her aforesaid brother as defendant. The RTC granted the Motion in its Order[12] dated December 14, 2006.

Pre-trial was conducted. The Pre-Trial Order[13] dated June 21, 2007 states that the issues agreed upon by the parties are --

- Whether or not the properties covered by TCT Nos. 31206, 48477 and 48478 are owned by the parties' parents.
- Whether or not plaintiff is entitled to her 1/7 share of these three (3) properties with all the improvements thereon.
- Whether or not the partition of these properties should be ordered by the Court.
- Whether or not plaintiff is entitled to the reconveyance of her 1/7 share in the subject properties.
- Whether or not plaintiff is entitled to damages.
- Whether or not the Deed of Assignment filed by Carlos Gonzalez and counsel is a falsified document.
- Whether or not the pendency of this falsification case filed against Carlos Gonzalez and counsel would constitute a prejudicial question.
- Whether or not the plaintiff has a cause of action against the defendant.

- Whether or not prescription had already set in.
- Whether or not laches had set in.
- Whether or not this present complaint could prosper, it being a collateral attack to defendant's title.
- Whether or not plaintiff is guilty of forum shopping.
- Whether or not defendant is entitled to his counterclaim.[14]

On July 9, 2007, defendant filed a Manifestation and Motion praying for a preliminary hearing on her defenses of prescription, laches, estoppel, and forum shopping. This was opposed by the plaintiff.[15]

In the assailed Order[16] dated August 28, 2007, the RTC denied the motion, ratiocinating --

Considering that the question of whether or not this case had already prescribed hinges into the very issue of whether this case is an action for partition or an action for reconveyance, this Court is in the opinion that the issues raised can be best ventilated in the actual trial of this case.

Defendant moved for reconsideration, but was again denied by the RTC in its Order[17] dated October 16, 2007. Hence, this petition.

The position of the RTC is well taken.

It is axiomatic that the nature of the action, the jurisdiction of the court, and the law to govern the case are determined by the complaint itself, its allegations and prayers for relief, not by the defenses raised in the answer or motion to dismiss, and irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.[18]

In this case, plaintiff-respondent asserted in her complaint that the subject properties were owned by her parents but registered in defendant-petitioner's name only as a trustee, and that the house built thereon also belonged to their parents and was, in fact, regarded by all the siblings as their ancestral house. Such regard for the subject properties was disclaimed by defendant-petitioner when, in 2005, she refused entry to plaintiff-respondent and her family. Plaintiff-respondent's prayer in the said complaint included not only the reconveyance of the 1/7 portion of the property but also the partition of the said realties.

However, it is observed that based on the said allegations, the action could still be treated as one for partition or for reconveyance, although it appears to be more in the nature of an action for partition, with reconveyance of the 1/7 claimed share of plaintiff-respondent only as one of the reliefs sought. Nevertheless, the issues joined during the pre-trial of the case readily reveal that they are factual and evidentiary, which can best be passed upon and threshed out during a full-blown trial.[19] To deny plaintiff-respondent the right to present evidence constitutes a denial of due process, as there are issues therein that cannot be resolved without adducing evidence, and this can be done only through a full-blown trial of the case on the merits.[20]

WHEREFORE, the Petition is DISMISSED for lack of merit. No pronouncement as to costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Mazario, and Reyes, JJ., concur.

[1] Rollo, pp. 3-25.

[2] Id. at 26.

[3] Id. at 44.

[4] Id. at 45-48.

[5] They are residents of California, USA.

[6] Rollo, pp. 45-46.

[7] Id. at 47.

[8] Id. at 47-48.

[9] Id. at 59-67.

[10] Id. at 68-71.

[11] Id. at 72-74.

[12] Id. at 75.

[13] Id. at 80-85.

[14] Id. at 82.

[15] Opposition/Comment; id. at 110-113.

[16] Rollo, p. 26.

[17] Id. at 44.

[18] Quinagoran v. Court of Appeals, G.R. No. 155179, August 24, 2007, 531 SCRA 104, 113-114; Baltazar v. Ombudsman, G.R. No. 136433, December 6, 2006, 510 SCRA 74, 89-90; Pascual v. Beltran, G.R. No. 129318, October 27, 2006, 505 SCRA 545.

[19] De Chavez v. Ombudsman, G.R. Nos. 168830-31, February 6, 2007, 514 SCRA 638, 657.

[20] Simon v. Canlas, G.R. No. 148273, April 19, 2006, 487 SCRA 433, 450.

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