

HEIRS OF JOSE MALIGASO, SR., NAMELY, ANTONIO MALIGASO, CARMELO MALIGASO AND JOSE MALIGASO, JR., PETITIONERS, VS. SPOUSES SIMON D. ENCINAS AND ESPERANZA E. ENCINAS, RESPONDENTS.

G.R. No. 182716. June 20, 2012

Ponente: REYES, J.

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REYES, J.:

This is a petition for review under Rule 45 of the Rules of Court of the Decision[1] dated November 26, 2007 and Resolution[2] dated April 28, 2008 of the Court of Appeals (CA) in CA-G.R. SP No. 64775. The CA reversed and set aside the Decision[3] dated April 2, 2001 of Branch 51 of the Regional Trial Court (RTC) of Sorsogon, Sorsogon, which affirmed the Decision[4] dated August 22, 2000 of the Municipal Trial Court (MTC) of Sorsogon, Sorsogon dismissing the Spouses Simon D. Encinas and Esperanza E. Encinas' (respondents) complaint for unlawful detainer.

Respondents are the registered owners of Lot No. 3517 of the Cadastral Survey of Sorsogon, which has an area of 2,867 square meters and covered by Transfer Certificate of Title (TCT) No. T-4773.[5] The subject matter of this controversy is a portion of Lot No. 3517 with an area of 980 square meters, which the Heirs of Jose Maligaso, Sr. (petitioners) continue to occupy despite having received two (2) notices to vacate from the respondents.

Lot No. 3517 was previously covered by Original Certificate of Title (OCT) No. 543, which was issued in the name of Maria Maligaso Ramos (Maria), the petitioners' aunt, on February 7, 1929. Sometime in May 1965, Maria sold Lot No. 3517 to Virginia Escurel (Virginia). Three (3) years later, on April 5, 1968, Virginia sold Lot No. 3517 to the respondents, resulting to the cancellation of OCT No. 543 and issuance of TCT No. T-4773.[6]

On March 16, 1998 and June 19, 1998 or approximately thirty (30) years from the time they purchased Lot No. 3517, the respondents issued two (2) demand letters to the petitioners, asking them to vacate the contested area within thirty (30) days from notice.[7] The petitioners refused to leave, claiming that the subject area was the share of their father, Jose Maligaso, Sr. (Jose, Sr.), in their grandparents' estate. Thus, the respondents filed a complaint for unlawful detainer against them with the MTC, alleging that the petitioners' occupation is by mere tolerance and had become illegal following their refusal to vacate the property despite being demanded to do so twice.

The petitioners, in their defense, denied that their possession of the disputed area was by mere tolerance and claimed title thereto on the basis of their father's successional rights. That the petitioners' occupation remained undisturbed for more than thirty (30) years and the respondents' failure to detail and specify the petitioners' supposedly tolerated possession suggest that they and their predecessors-in-interest are aware of their claim over the subject area. The petitioners also attacked the validity of OCT No. 543 and TCT No. T-4773, alleging that it was thru fraud that Maria was able to register Lot No. 3517, including the disputed area, under her name. The petitioners likewise moved for the dismissal of the complaint, claiming that the allegations therein indicate that it

was actually an action for reconveyance. Further, laches had already set in view of the respondents' failure to assail their possession for more than thirty (30) years.[8]

In an August 22, 2000 Decision,[9] the dispositive portion of which is quoted below, the MTC dismissed the respondents' complaint.

WHEREFORE, premises considered, judgment is hereby rendered

- Dismissing the instant case;
- Adjudicating the possessory rights over the litigated portion to the defendants;
- Ordering the Register of Deeds to cause the annotation of the equitable title of defendants, who are entitled to their father's rightful inheritance which is part of the property in plaintiffs' TCT No. T-4773 as a lien or encumbrance;
- Ordering the plaintiffs to pay defendants the amount of [P]10,000.00 as attorney's fees; and
- The cost of suit.

SO ORDERED.[10]

The MTC gave more weight to the petitioners' possession of the contested area than the respondents' title as the former is founded on Jose Sr.'s successional rights and even held that the registration of Lot No. 3517 in Maria's name created a trust in Jose Sr.'s favor insofar as the disputed portion is concerned. The MTC also held that the respondents are barred by laches from pursuing their cause of action against the petitioners given their inaction for more than thirty (30) years despite being fully aware of the petitioners' adverse possession and claim over the subject property.

The RTC dismissed the respondents' appeal and affirmed the MTC's Decision dated August 22, 2000. In a Decision[11] dated April 2, 2001, the RTC found the respondents' allegations relative to the petitioners' merely tolerated possession of the subject area to be wanting. The RTC also concluded, albeit implicitly, that the petitioners' possession is a necessary consequence of their title as evidenced by their occupation in the concept of an owner for a significant period of time. The dispositive portion thereof states:

WHEREFORE, premises considered, the appealed decision is AFFIRMED with the modification that the annotations and the payment of attorney[']s fees as ordered by the Court a quo be deleted. The instant appeal is DISMISSED, for lack of merit.[12]

Consequently, the respondents filed with the CA a petition for review under Rule 42 of the Rules of Court. This was given due course and the RTC's Decision dated April 2, 2001 was reversed and set aside. In its Decision[13] dated November 26, 2007, the CA had a different view and rationalized the grant of possession to the respondents as follows:

The rule is well-entrenched that a person who has a Torrens title over the property is entitled to the possession thereof. In like manner, prior physical possession by the plaintiff is not necessary in unlawful detainer cases as the same is only required in forcible entry cases. Moreover, the allegations in the answer of [the] defendant as to the nullity of plaintiff's title is unavailing and has no place in an unlawful detainer suit since the issue of the validity of a Torrens title can only be assailed in an action expressly instituted for that purpose. This may be gleaned from *Spouses Apostol vs. Court of Appeals and Spouses Emmanuel*, where the Supreme Court held that:

X X X

In the case at bench, petitioners are the registered owners of Lot No. 3517 and, as a consequence of such, are entitled to the material and physical possession thereof. Thus, both the MTC and RTC erred in ruling that respondents' prior physical possession and actual possession of the 980-square meter disputed portion of Lot No. 3517 should prevail over petitioners' Torrens title over the said property. Such pronouncement contravenes the law and settled jurisprudence on the matter.[14] (Citation omitted)

The CA denied the petitioners' motion for reconsideration in its Resolution dated April 28, 2008.[15]

As earlier intimated, the petitioners anchor their possession of the subject property on their father's right thereto as one of his parents' heirs. The petitioners insist on the nullity of the respondents' title, TCT No. T-4773, as the inclusion of the contested area in its coverage was never intended. The petitioners accuse Maria of fraud for having registered Lot No. 3517 in her name, including the portion that their father allegedly inherited from his parents, thus, reneging on her promise to cause the registration of such portion in his name. It was their father who had a legitimate claim over the subject area and Maria never acquired any right thereto. Therefore, respondents' purchase of Lot No. 3517 did not include the portion occupied by the petitioners, who succeeded to Jose Sr.'s rights thereto.

On the other hand, the respondents' cause of action is based on their ownership of Lot No. 3517, which is evidenced by TCT No. T-4773, and on their claim that they merely tolerated the petitioners' occupation thereof. According to the respondents, their being registered owners of Lot No. 3517, including the portion possessed by the petitioners, entitles them to the possession thereof and their right to recovery can never be barred by laches. They also maintain that the petitioners cannot collaterally attack their title to the subject property.

The point of inquiry is whether the respondents have the right to evict the petitioners from the subject property and this should be resolved in the respondents' favor. Between the petitioners' unsubstantiated self-serving claim that their father inherited the contested portion of Lot No. 3517 and the respondents' Torrens title, the latter must prevail. The respondents' title over such area is evidence of their ownership thereof. That a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein and that a person who has a Torrens title over a land is entitled to the possession thereof[16] are fundamental principles observed in this jurisdiction. Alternatively put, the respondents' title and that of their predecessors-in-interest give rise to the reasonable presumption that the petitioners have no right over the subject area and that their stay therein was merely tolerated. The petitioners failed to overcome this presumption, being inadequately armed by a narration that yearns for proof and corroboration. The petitioners harped that the subject area was their father's share in his parents' estate but the absence of any evidence that such property was indeed adjudicated to their father impresses that their claim of ownership is nothing but a mere afterthought. In fact, Lot No. 3517 was already registered in Maria's name when Jose Sr. built the house where the petitioners are now presently residing. It is rather specious that Jose Sr. chose inaction despite Maria's failure to cause the registration of the subject area in his name and would be contented with a bungalow that is erected on a property that is supposedly his but registered in another's name. That there is allegedly an unwritten agreement between Maria and Virginia that Jose Sr.'s and the petitioners' possession of the subject area would remain undisturbed was never proven, hence, cannot be the basis for their claim of ownership. Rather than proving that Jose Sr. and the petitioners have a right over the disputed portion of Lot No. 3517, their possession uncoupled with affirmative action to question the titles of Maria and the respondents show that the latter merely tolerated their stay.

Forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to the possession of the property involved. The avowed objective of actions for forcible entry and unlawful detainer, which have purposely been made summary in nature, is to provide a peaceful, speedy and expeditious means of preventing an alleged illegal possessor of property from

unjustly continuing his possession for a long time, thereby ensuring the maintenance of peace and order in the community.[17] The said objectives can only be achieved by according the proceedings a summary nature. However, its being summary poses a limitation on the nature of issues that can be determined and fully ventilated. It is for this reason that the proceedings are concentrated on the issue on possession. Thus, whether the petitioners have a better right to the contested area and whether fraud attended the issuance of Maria's title over Lot No. 3517 are issues that are outside the jurisdiction and competence of a trial court in actions for unlawful detainer and forcible entry. This is in addition to the long-standing rule that a Torrens title cannot be collaterally attacked, to which an ejectment proceeding, is not an exception.

In *Soriente v. Estate of the Late Arsenio E. Concepcion*,[18] a similar allegation – possession of the property in dispute since time immemorial – was met with rebuke as such possession, for whatever length of time, cannot prevail over a Torrens title, the validity of which is presumed and immune to any collateral attack.

In this case, the trial court found that respondent owns the property on the basis of Transfer Certificate of Title No. 12892, which was “issued in the name of Arsenio E. Concepcion, x x x married to Nenita L. Songco.” It is a settled rule that the person who has a Torrens title over a land is entitled to possession thereof. Hence, as the registered owner of the subject property, respondent is preferred to possess it.

The validity of respondent's certificate of title cannot be attacked by petitioner in this case for ejectment. Under Section 48 of Presidential Decree No. 1529, a certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled, except in a direct proceeding for that purpose in accordance with law. The issue of the validity of the title of the respondents can only be assailed in an action expressly instituted for that purpose. Whether or not petitioner has the right to claim ownership over the property is beyond the power of the trial court to determine in an action for unlawful detainer.[19] (Citations omitted)

In *Salandanan*,[20] the prohibition against the collateral attack of a Torrens title was reiterated:

In *Malison*, the Court emphasized that when [a] property is registered under the Torrens system, the registered owner's title to the property is presumed and cannot be collaterally attacked, especially in a mere action for unlawful detainer. In this particular action where petitioner's alleged ownership cannot be established, coupled with the presumption that respondents' title to the property is legal, then the lower courts are correct in ruling that respondents are the ones entitled to possession of the subject premises.[21] (Citation omitted)

Given the foregoing, the petitioners' attempt to remain in possession by casting a cloud on the respondents' title cannot prosper.

Neither will the sheer lapse of time legitimize the petitioners' refusal to vacate the subject area or bar the respondents from gaining possession thereof. As ruled in *Spouses Ragudo v. Fabella Estate Tenants Association, Inc.*,[22] laches does not operate to deprive the registered owner of a parcel of land of his right to recover possession thereof:

It is not disputed that at the core of this controversy is a parcel of land registered under the Torrens system. In a long line of cases, we have consistently ruled that lands covered by a title cannot be acquired by prescription or adverse possession. So it is that in *Natalia Realty Corporation vs. Vallez, et al.*, we held that a claim of acquisitive prescription is baseless when the land involved is a registered land because of Article 1126 of the Civil Code, in relation to Act 496 (now, Section 47 of Presidential Decree No. 1529).

x x x x

Petitioners would take exception from the above settled rule by arguing that FETA as well as its predecessor[-]in[-]interest, Don Dionisio M. Fabella, are guilty of laches and should, therefore, be already precluded from asserting their right as against them, invoking, in this regard, the rulings of this Court to the

effect that while a registered land may not be acquired by prescription, yet, by virtue of the registered owner's inaction and neglect, his right to recover the possession thereof may have been converted into a stale demand.

While, at a blush, there is apparent merit in petitioners' posture, a closer look at our jurisprudence negates their submission.

To start with, the lower court found that petitioners' possession of the subject lot was merely at the tolerance of its former lawful owner. In this connection, *Bishop vs. Court of Appeals* teaches that if the claimant's possession of the land is merely tolerated by its lawful owner, the latter's right to recover possession is never barred by laches.

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.[23] (Citations omitted)

It is, in fact, the petitioners who are guilty of laches. Petitioners, who claimed that Maria fraudulently registered the subject area inherited by their father, did not lift a finger to question the validity of OCT No. 543, which was issued in 1929. Petitioners waited for the lapse of a substantial period of time and if not for the respondents' demands to vacate, they would not have bothered to assert their father's supposed successional rights. The petitioners' inaction is contrary to the posture taken by a reasonably diligent person whose rights have supposedly been trampled upon and the pretense of ignorance does not provide justification or refuge. Maria was able to register Lot No. 3517 in her name as early as 1929 and respondents acquired title in April 5, 1968 and knowledge of these events is imputed to the petitioners by the fact of registration.

In fine, this Court finds no cogent reason to reverse and set aside the findings and conclusions of the CA.

WHEREFORE, premises considered, the petition is DENIED and the Decision dated November 26, 2007 and Resolution dated April 28, 2008 of the Court of Appeals in CA-G.R. SP No. 64775 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Sereno, JJ., concur.

[1] Penned by Associate Justice Ramon R. Garcia, with Associate Justices Josefina Guevara-Salonga and Vicente Q. Roxas, concurring; rollo, pp. 31-41.

[2] Id. at 49-50.

[3] Id. at 112-116.

[4] Id. at 102-111.

[5] Id. at 67-68.

[6] Id. at 32.

[7] Id. at 33.

[8] Id. at 34.

[9] Id. at 102-111.

[10] Id. at 110-111.

[11] Id. at 112-116.

[12] Id. at 116.

[13] Id. at 31-41.

[14] Id. at 37-38.

[15] Id. at 49-50.

[16] *Esmaque v. Coprada*, G.R. No. 152423, December 15, 2010, 638 SCRA 429, 438, citing *Caña v. Evangelical Free Church of the Philippines*, G.R. No. 157573, February 11, 2008, 544 SCRA 225, 238-239.

[17] *Salandanan v. Mendez*, G.R. No. 160280, March 13, 2009, 581 SCRA 195, citing *Five Star Marketing Co., Inc. v. Booc*, G.R. No. 143331, October 5, 2007, 535 SCRA 28, 43-44.

[18] G.R. No. 160239, November 25, 2009, 605 SCRA 315.

[19] Id. at 329-330.

[20] *Supra* note 17.

[21] Id. at 198.

[22] 503 Phil. 751 (2005).

[23] Id. at 763-764.

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